

By unanimous consent, Senator Hall submitted the following report for the Committee on County, District and Urban Affairs:

H. B. No. 1053 (Floor report).

By unanimous consent, Senator Wilson submitted the following report for the Committee on Constitutional Amendments:

S. J. R. No. 57 (Amended).

House Bill 1753 Ordered Not Printed

On motion of Senator Harrington and by unanimous consent, H. B. No. 1753 was ordered not printed.

House Bill 1053 Ordered Not Printed

On motion of Senator Ratliff and by unanimous consent, H. B. No. 1053 was ordered not printed.

Memorial Resolutions

S. R. No. 1302—By Senator Blanchard: Memorial resolution for Mrs. Beatrice Long.

S. R. No. 1303—By Senator Blanchard: Memorial resolution for Floyd Koen.

S. R. No. 1304—By Senator Blanchard: Memorial resolution for Tommy Nelson.

S. R. No. 1308—By Senator Watson: Memorial resolution for B. L. Bradley.

S. R. No. 1312—By Senator Watson: Memorial resolution for Virgil E. Curry.

S. R. No. 1315—By Senator Herring: Memorial resolution for Henry H. Luedecke.

Welcome and Congratulatory Resolutions

S. R. No. 1305—By Senator Blanchard: Extending commendation to Senior Class of Anton High School for their generous act of love to a fellow student.

S. R. No. 1309—By Senator Watson: Extending welcome to Judge J. F. Clawson.

S. R. No. 1310—By Senator Watson: Extending welcome to Wayne Dalton.

S. R. No. 1311—By Senator Watson: Extending welcome to Domingo Capetillo and Hugh Davis.

S. R. No. 1314—By Senator Kennard: Extending congratulations to Wayne Brown, named "Personality of the Month" by TV Radio Show magazine.

S. R. No. 1316—By Senator Jordan: Extending congratulations to Board of Education, Houston Independent School District.

S. R. No. 1317—By Senator Watson: Extending welcome to Father Paul McCollum.

Adjournment

On motion of Senator Aikin the Senate at 12:14 o'clock p.m. adjourned until 10:00 o'clock a.m. tomorrow.

APPENDIX

Sent to Governor

May 20, 1971

S. B. No. 233

S. C. R. No. 99

S. B. No. 697

S. B. No. 269

S. B. No. 859

SEVENTY-THIRD DAY

(Friday, May 21, 1971)

The Senate met at 10:00 o'clock a.m., and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Blanchard and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Reports of Standing Committees

Senator McKool submitted the following report for the Committee on Privileges and Elections:

H. B. No. 1413.

Senator Wilson submitted the following reports for the Committee on Constitutional Amendments:

H. J. R. No. 35.

S. J. R. No. 55.

H. J. R. No. 61.

H. J. R. No. 8.

H. J. R. No. 57.

S. J. R. No. 56.

H. J. R. No. 82.

S. J. R. No. 58 (Amended).

Senator Blanchard submitted the following report for the Committee on Insurance:

S. B. No. 872.

Senator Mauzy submitted the following reports for the Committee on Education:

C. S. S. B. No. 743 (Read first time).

S. B. No. 606 (Amended).

H. B. No. 1176.

H. B. No. 514.

Senator Moore submitted the following reports for the Committee on State Affairs:

H. B. No. 862.

S. B. No. 1014.

H. B. No. 651.

H. B. No. 303.

Senator Herring submitted the following report for the Committee on Jurisprudence:

S. C. R. No. 104.

S. C. R. No. 105.

S. C. R. No. 106.

S. C. R. No. 107.

**Senate Concurrent Resolution 104
Ordered Not Printed**

On motion of Senator Herring and by unanimous consent, S. C. R. No. 104 was ordered not printed.

**Senate Concurrent Resolution 105
Ordered Not Printed**

On motion of Senator Herring and by unanimous consent, S. C. R. No. 105 was ordered not printed.

**Senate Concurrent Resolution 106
Ordered Not Printed**

On motion of Senator Herring and by unanimous consent, S. C. R. No. 106 was ordered not printed.

**Senate Concurrent Resolution 107
Ordered Not Printed**

On motion of Senator Herring and by unanimous consent, S. C. R. No. 107 was ordered not printed.

Message From the House

Hall of the House of Representatives

Austin, Texas,
May 21, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 134, A bill to be entitled "An Act providing for the licensing of milk testing operators, milk haulers and equipment used to determine component parts of milk; etc.; and declaring an emergency."

(With amendment.)

S. B. No. 146, A bill to be entitled "An Act providing that in all actions brought to recover damages for personal injuries, injuries resulting in death, or injury to property, the contributory negligence of the person injured, or his agents, or the owner of the property, or persons having control over the property, shall not be a complete bar to the recovery of damages; etc.; and declaring an emergency."

(With amendment.)

S. B. No. 187, A bill to be entitled "An Act enabling County Commissioners Courts to supplement the compensation of Justices of the Courts of Civil Appeals from county funds; and providing expressly that such compensation shall be in addition to the amounts paid to the Justices by the state; and declaring an emergency."

S. B. No. 317, A bill to be entitled "An Act amending Statutes, to provide for junior college districts the same status provided for school districts under the provisions of the Texas Tort Claims Act; and declaring an emergency."

S. B. No. 324, A bill to be entitled "An Act appropriating funds to Southwest Texas State University for replacement or repair of facilities and equipment destroyed or damaged by fire; and declaring an emergency."

S. B. No. 337, A bill to be entitled "An Act authorizing the Board of Regents of The University of Texas System to establish, maintain, and operate System Nursing Schools as branches of The University of Texas Nursing School (System-wide); providing for severability; repealing all laws in conflict; and declaring an emergency."

(With amendment.)

S. B. No. 409, A bill to be entitled "An Act amending the Texas Banking Code, concerning the prohibition of branch banking; and declaring an emergency."

(With amendment.)

S. B. No. 605, A bill to be entitled "An Act relating to the authority of the State Health Officer to define what shall constitute Grade 'A' milk and milk products and to fix specifications for the production and handling of Grade 'A' milk and milk products; providing a procedure for promulgating regulations; providing for judicial review of the validity and application of regulations; etc.; and declaring an emergency."

S. B. No. 666, A bill to be entitled "An Act amending the Insurance Code of Texas; etc.; and declaring an emergency."

(With amendment.)

S. B. No. 839, A bill to be entitled "An Act relating to requiring insurers to maintain and designate specific assets as reserve assets offsetting reserve liabilities; etc.; and declaring an emergency."

S. B. No. 1008, A bill to be entitled "An Act amending various laws pertaining to the affairs of counties, cities, and school districts in order to recognize the effect of the recent federal census; providing an effective date; and declaring an emergency."

(With amendment.)

The House has adopted the Conference Committee Report on Senate Bill 379 by a vote of 33 ayes, 17 noes and 88 present not voting.

All necessary rules suspended, and the House concurred in Senate amendments to House Bill No. 139, by a vote of 139 ayes, 0 noes.

The House refused to concur in Senate amendments to House Bill No. 314 and has requested the appointment of a Conference Committee to consider the differences between the two Houses. House conferees: Cobb, Coats, Rosson, Uher, Calhoun.

All necessary rules suspended, and the House concurred in Senate amendments to House Bill No. 1830, by a vote of 131 ayes, 7 noes.

The House has concurred in Senate amendments to H. C. R. No. 61 by non-record vote.

H. B. No. 118, A bill to be entitled "An Act providing for the appointment by the District Judge of the 69th Judicial District of Texas, composed of the counties of Dallam, Deaf Smith, Hartley, Moore, Oldham, and Sherman, of an official shorthand reporter for such judicial district; providing his qualifications; providing that the salary of said official shorthand reporter shall be fixed and determined by the judge of said judicial district and not otherwise; providing for the manner of payment of said salary and out of what fund; providing for transcript fees and allowance for hotel and traveling expenses; providing a saving clause; repealing Chapter 376, Acts of the 59th Legislature, Regular Session, 1965 (Article 2326j-46, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 521, A bill to be entitled "An Act relating to rules promulgated by the State Board of Education; amending Section 11.26, Texas Education Code; and declaring an emergency."

H. B. No. 680, A bill to be entitled "An Act relating to the cancellation of contracts between insurance companies writing fire and casualty insurance and agents for the appointment of the agent as the representative of the company; amending the Texas Insurance Code by adding Article 21.11-1; and declaring an emergency."

H. B. No. 690, A bill to be entitled "An Act relating to the exemption of land owned by East Texas State University in Hunt County from the computation of local fund assignments under the Foundation School Program; amending Subsection (b) of Section 16.76, Texas Education Code, as amended; and declaring an emergency."

H. B. No. 799, A bill to be entitled "An Act relating to the treatment of persons with various respiratory diseases at East Texas Tuberculosis Hospital; amending Sections 1 through 6, Chapter 528, Acts of the 61st Legislature, Regular Session, 1969 (Article 4477-13, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 804, A bill to be entitled "An Act providing for the recovery by a retailer of farm implements and parts or a retailer of vehicles and parts of the total net price of the complete farm implements and vehicles and 85 percent of the total net price of the parts from a wholesaler, manufacturer, or distributor upon discontinuance of the dealer's contract by the wholesaler, manufacturer, or distributor or the retail dealer; and declaring an emergency."

H. B. No. 903, A bill to be entitled "An Act amending Section 298(a), Section 311(a) and Section 322 of the Texas Probate Code relating to the filing and payment of claims against the estate of a decedent; and declaring an emergency."

H. B. No. 1034, A bill to be entitled "An Act permitting the proof of guilt necessary for conviction on a plea of guilty to be by oral summary of the evidence if the defendant consents; amending Article 1.15, Code of Crim-

inal Procedure, 1965, as amended; and declaring an emergency."

H. B. No. 1062, A bill to be entitled "An Act relating to the salary of assistant county school superintendents in certain counties; amending Subsection (a), Section 17.52, Texas Education Code; and declaring an emergency."

H. B. No. 1067, A bill to be entitled "An Act creating an Office of Information Services; providing a description of, definitions related to, and establishing the purpose of that Office; providing for the appointment of a Director to serve at the will of the Governor; requiring biennial reports to the Legislature; providing for the functions and responsibilities of that Office; providing for the reception and use of federal grants; requiring the Legislature to appropriate funds to support the Office created by this Act; providing for the transfer of funds from other state agencies; providing for funds under this Act to be deposited in the State Treasury and creating a special fund for such deposits; and declaring an emergency."

H. B. No. 1099, A bill to be entitled "An Act relating to leasehold interests in land, buildings or improvements owned in whole or in part by the State, a county, a city or cities, a school district, or any other governmental or public entity or body politic; amending Articles 7173 and 7174, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

H. B. No. 1181, A bill to be entitled "An Act relating to certificates of title to certain motor vehicles obtained for scrap disposal, resale of parts, or other form of salvage; and declaring an emergency."

H. B. No. 1225, A bill to be entitled "An Act relating to credit for judicial retirement for judges who have served in the armed forces; amending Section 2A, Chapter 99, Acts of the 51st Legislature, 1949 (Article 6228b, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 1262, A bill to be entitled "An Act increasing the penalty for the unlawful dumping or depositing of certain wastes on or near a public highway; amending Sections 2 and 3, Chapter 53, Acts of the 40th Legislature, 1st Called Session, 1927, as amended (Article 696a, Vernon's

Texas Penal Code); and declaring an emergency."

H. B. 1422, A bill to be entitled "An Act relating to the employees of the Texas Animal Health Commission, amending Section 23, Chapter 52, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 1525b, Vernon's Texas Penal Code); and declaring an emergency."

H. B. No. 1460, A bill to be entitled "An Act providing for the creation of a Hospital District over all the territory comprising the Nocona and Prairie Valley Independent School Districts of Montague County, Texas; making provisions for such District to provide for the purchase, construction, acquisition, repair or renovations of buildings and improvements and equipping of buildings and improvements and equipping the same for hospital district purposes, including the power and authority to issue bonds for such purpose or purposes, there being no hospital owned in whole or in part by any city, town or county situated wholly or partly within the area of the District which the District might acquire upon assumption of indebtedness incurred by any such city, town or county for hospital purposes; prescribing a procedure for an election on the creation of such District and the levy of a tax for its maintenance, support and payment of indebtedness; providing the powers of the District and its governing body and its procedures in the governing of said District; enacting other provisions incident and related to the subject and purpose; and declaring an emergency."

H. B. No. 1583, A bill to be entitled "An Act relating to the ineligibility of certain persons who are operators or employees of convalescent or nursing homes to act under authority of a power of attorney, or serve as agent or attorney in fact or personal representative of a person who resides or resided in the convalescent or nursing home; amending Section 110, Texas Probate Code; and declaring an emergency."

H. B. No. 1707, A bill to be entitled "An Act relating to the possession of a motor vehicle or part of a motor vehicle that has had the serial number, the motor number, or the manufacturer's permanent vehicle identification number removed, changed, or obliterated and permitting seizure of

such vehicles or parts of vehicles by peace officers; providing penalties for violation; amending Chapter 4, General Laws, page 602, Acts of the 46th Legislature, 1939 (Article 1436-1, Vernon's Texas Penal Code), by adding Section 21a and by amending Subsections (c) and (d), Section 49; and declaring an emergency."

H. B. No. 1715, A bill to be entitled "An Act relating to the salary of certain officials in certain counties; amending Chapter 427, Acts of the 54th Legislature, 1955, as amended (Article 3883i, Vernon's Texas Civil Statutes), by adding Section 1D; and declaring an emergency."

H. B. No. 1745, A bill to be entitled "An Act relating to the creation, administration, powers, duties, and financing of Kimble County Hospital District of Kimble County, Texas by authority of Section 9, Article IX, Constitution of the State of Texas; and declaring an emergency."

H. B. No. 1759, A bill to be entitled "An Act including Zapata County under the provisions of the Uniform Wildlife Regulatory Act; excluding quail from the meaning of 'wildlife resources'; adding a Paragraph (18) to Subsection c of Section 3, and amending Section 1 of the Uniform Wildlife Regulatory Act, as amended (Article 978j-1, Vernon's Texas Penal Code); and declaring an emergency."

H. B. No. 1766, A bill to be entitled "An Act repealing Chapter 439, Acts of the 54th Legislature, Regular Session, 1955, as amended, relating to size and bag limits for certain fish taken from the waters of Caddo Lake in Marion County; and declaring an emergency."

H. B. No. 1780, A bill to be entitled "An Act permitting Hospital Districts organized pursuant to Section 9, Article IX, of the Constitution of the State of Texas, to adopt their own tax rolls, and prescribing procedures therefor; and declaring an emergency."

H. B. No. 1787, A bill to be entitled "An Act providing for the creation of the Henderson County Hospital District over all of Henderson County, Texas; providing that the district shall assume any outstanding debt of Henderson County incurred for hospital

purposes and any outstanding debt incurred by any city or town within said County for such purpose; prescribing a procedure for an election on the creation of such district and the levy of a tax for its maintenance, support, and payment of indebtedness; providing the powers of the district, and its governing body and its procedures in the governing of said district; enacting other provisions incident and related to the subject and purpose; and declaring an emergency."

H. B. No. 1827, A bill to be entitled "An Act relating to the salary of the official shorthand reporter for the 155th Judicial District; amending Section 1, Chapter 33, Acts of the 61st Legislature, Regular Session, 1969 (Article 2326j-64, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 1840, A bill to be entitled "An Act relating to the interest rate on bonds of the San Patricio Municipal Water District; amending Subsection (b) of Section 7 and Section 9a, Chapter 373, Acts of the 52nd Legislature, 1951, as amended (Article 8280-145, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 1848, A bill to be entitled "An Act providing for the creation of the Concho County Hospital District over all of Concho County, Texas; prescribing a procedure for an election on the creation of such district and the levy of a tax for its maintenance, support, and payment of indebtedness, and bonds assumed, incurred, and issued; providing the powers of the district and its governing body and its procedures in the governing of said district; enacting other provisions incident and related to the subject and purpose; and declaring an emergency."

H. B. No. 1850, A bill to be entitled "An Act relating to compensation of certain county and district officials in certain counties; amending Chapter 427, Acts of the 54th Legislature, 1955, as amended (Article 3883i, Vernon's Texas Civil Statutes), to add a Section 3B; and declaring an emergency."

H. B. No. 1855, A bill to be entitled "An Act relating to the creation, ad-

ministration, powers, duties, and financing of Groveton Hospital District of Trinity County, Texas by authority of Section 9, Article IX, Constitution of the State of Texas; and declaring an emergency."

The House refused to concur in Senate amendments to House Bill No. 384 and has requested the appointment of a Conference Committee to consider the differences between the two Houses. House conferees: Clayton, Short, Adams, Hanna of Stephens, Silber.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Report of Committee to Select State Artist

Senator Kennard submitted the following report for the Committee to Select a State Artist:

Pursuant to S. C. R. No. 18, we the undersigned members constituting the Committee created by such Resolution, on this the 20th day of May, 1971, hereby appoint and designate as Texas State Artist for the year beginning May 1, 1971, and ending April 30, 1972, Joe Ruiz Grandee; and

Further pursuant to such Resolution, hereby appoint and designate as Texas State Artist for the year beginning May 1, 1972 and ending April 30, 1973, Melvin Charles Warren.

SHANNON
CATES
KENNARD
WORD

MARTIN DIES, JR.
(Secretary of State)
(Designated to represent Governor
Preston Smith)

The report was read and was adopted.

Senate Bills on First Reading

Senator Wilson moved that Senate Rule 108 and Section 5 of Article III of the State Constitution be suspended to permit the introduction at this time, the following bills, the provisions of which were explained.

The motion prevailed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

The following bills were then introduced, read first time and referred to the Committee indicated:

By Senator Wilson:

S. B. No. 1025, A bill to be entitled "An Act relating to allowing hunting with dogs in San Augustine County; extending the open season for the taking of deer in San Augustine County; amending Article 880, Penal Code of Texas, 1925, as amended, and Section 1, Chapter 409, Acts of the 53rd Legislature, Regular Session, 1953, as last amended by Chapter 171, Acts of the 55th Legislature, Regular Session, 1957; and declaring an emergency."

To Committee on Parks and Wildlife.

By Senator Wilson:

S. B. No. 1026, A bill to be entitled "An Act relating to changing the open season for the taking of squirrel in San Augustine and Shelby counties; amending Section 1, Chapter 142, Acts of the 54th Legislature, 1955, as last amended by Section 2, Chapter 30, Acts of the 57th Legislature, 1st Called Session, 1961; repealing Chapter 117, Acts of the 49th Legislature, Regular Session, 1945; and declaring an emergency."

To Committee on Parks and Wildlife.

By Senator Ratliff:

S. B. No. 1027, A bill to be entitled "An Act amending Acts 1957, 55th Legislature, Chapter 86, as amended, removing the restrictions prohibiting the use of money received from taxation or from bonds payable wholly or

partially from taxation to acquire land for public parks and recreational facilities, and the right of eminent domain for such purposes; providing for severability; and declaring an emergency."

To Committee on Water and Conservation.

By Senator Watson:

S. B. No. 1028, A bill to be entitled "An Act relating to the establishment, operation, and maintenance of a medical school under contract with the United States Government; and declaring an emergency."

To Committee on State Departments and Institutions.

By Senator Blanchard:

S. B. No. 1029, A bill to be entitled "An Act relating to the compensation of certain shorthand reporters; amending Section 1, Chapter 175, Acts of the 57th Legislature, Regular Session, 1961 (Article 2326j-9, Vernon's Texas Civil Statutes); and declaring an emergency."

To Committee on County, District and Urban Affairs.

By Senator Brooks:

S. B. No. 1030, A bill to be entitled "An Act increasing the membership of the Finance Commission and relating to the duties and qualifications of members; amending Articles 2, 3, 4, 6, 7, and 11, Subchapter I, The Texas Banking Code of 1943, as amended (Articles 342-102, 342-103, 342-104, 342-106, 342-107, and 342-111, Vernon's Texas Civil Statutes); adding an Article 16 to Subchapter I, The Texas Banking Code of 1943, as amended (Article 342-101, et seq., Vernon's Texas Civil Statutes); and declaring an emergency."

To Committee on State Departments and Institutions.

Reports of Standing Committees

By unanimous consent, Senator Brooks submitted the following report for the Committee on State Departments and Institutions:

S. B. No. 1028 (Floor report).

By unanimous consent, Senator Hall submitted the following report for the Committee on County, District and Urban Affairs:

S. B. No. 1029 (Floor report).

By unanimous consent, Senator Creighton submitted the following report for the Committee on Water and Conservation:

S. B. No. 1027.

Senate Bill 1029 Ordered Not Printed

On motion of Senator Blanchard and by unanimous consent, S. B. No. 1029 was ordered not printed.

Senate Bill 1027 Ordered Not Printed

On motion of Senator Ratliff and by unanimous consent, S. B. No. 1027 was ordered not printed.

Senate Bill 1028 Ordered Not Printed

On motion of Senator Watson and by unanimous consent, S. B. No. 1028 was ordered not printed.

Reports of Standing Committees

By unanimous consent, Senator Connally submitted the following reports for the Committee on Parks and Wildlife:

S. B. No. 1025 (Floor report).

S. B. No. 1026 (Floor report).

Senate Bill 1025 Ordered Not Printed

On motion of Senator Wilson and by unanimous consent, S. B. No. 1025 was ordered not printed.

Senate Bill 1026 Ordered Not Printed

On motion of Senator Wilson and by unanimous consent, S. B. No. 1026 was ordered not printed.

Senate Resolution 1332

Senator Hightower offered the following resolution:

Whereas, It is an extreme pleasure for the Texas Senate to honor the children of our Members; and

Whereas, On the occasion of her first birthday on May 31, 1971, we deem it a privilege to nominate Rebecca Celeste Bernal, the delightful daughter of Senator and Mrs. Joe J. Bernal of Bexar County, as Mascot of the Senate; now, therefore, be it

Resolved, That the Senate of the 62nd Legislature add the name of Rebecca Celeste Bernal to the list of Senate Mascots; and that her photograph appear on the picture panel of

the Senate of the 62nd Legislature; and be it further

Resolved, That copies of this Resolution be prepared for her and her family as a memento of this occasion.

The resolution was read and was adopted.

(President in the Chair)

House Bills on First Reading

The following bills received from the House, were read the first time and referred to the Committees indicated:

H. B. No. 78, To Committee on Jurisprudence.

H. B. No. 136, To Committee on County, District and Urban Affairs.

H. B. No. 211, To Committee on Public Health.

H. B. No. 227, To Committee on County, District and Urban Affairs.

H. B. No. 298, To Committee on County, District and Urban Affairs.

H. B. No. 426, To Committee on Jurisprudence.

H. B. No. 439, To Committee on County, District and Urban Affairs.

H. B. No. 462, To Committee on Jurisprudence.

H. B. No. 687, To Committee on County, District and Urban Affairs.

H. B. No. 774, To Committee on Jurisprudence.

H. B. No. 878, To Committee on County, District and Urban Affairs.

H. B. No. 892, To Committee on County, District and Urban Affairs.

H. B. No. 893, To Committee on County, District and Urban Affairs.

H. B. No. 918, To Committee on County, District and Urban Affairs.

H. B. No. 949, To Committee on Education.

H. B. No. 1019, To Committee on Education.

H. B. No. 1039, To Committee on County, District and Urban Affairs.

H. B. No. 1069, To Committee on Jurisprudence.

H. B. No. 1081, To Committee on County, District and Urban Affairs.

H. B. No. 1107, To Committee on Water and Conservation.

H. B. No. 1113, To Committee on County, District and Urban Affairs.

H. B. No. 1124, To Committee on Parks and Wildlife.

H. B. No. 1161, To Committee on Parks and Wildlife.

H. B. No. 1195, To Committee on County, District and Urban Affairs.

H. B. No. 1267, To Committee on County, District and Urban Affairs.

H. B. No. 1319, To Committee on State Departments and Institution.

H. B. No. 1381, To Committee on Water and Conservation.

H. B. No. 1382, To Committee on Water and Conservation.

H. B. No. 1383, To Committee on Water and Conservation.

H. B. No. 1384, To Committee on Water and Conservation.

H. B. No. 1390, To Committee on Water and Conservation.

H. B. No. 1391, To Committee on Water and Conservation.

H. B. No. 1397, To Committee on County, District and Urban Affairs.

H. B. No. 1438, To Committee on County, District and Urban Affairs.

H. B. No. 1456, To Committee on County, District and Urban Affairs.

H. B. No. 1605, To Committee on County, District and Urban Affairs.

H. B. No. 1606, To Committee on County, District and Urban Affairs.

H. B. No. 1611, To Committee on Water and Conservation.

H. B. No. 1612, To Committee on Water and Conservation.

H. B. No. 1613, To Committee on Water and Conservation.

H. B. No. 1615, To Committee on County, District and Urban Affairs.

H. B. No. 1619, To Committee on Water and Conservation.

H. B. No. 1633, To Committee on County, District and Urban Affairs.

H. B. No. 1639, To Committee on Water and Conservation.

H. B. No. 1640, To Committee on Water and Conservation.

H. B. No. 1649, To Committee on Public Health.

H. B. No. 1676, To Committee on County, District and Urban Affairs.

H. B. No. 1677, To Committee on County, District and Urban Affairs.

H. B. No. 1702, To Committee on Water and Conservation.

H. B. No. 1718, To Committee on County, District and Urban Affairs.

H. B. No. 1721, To Committee on Water and Conservation.

H. B. No. 1771, To Committee on County, District and Urban Affairs.

H. B. No. 1792, To Committee on Jurisprudence.

H. B. No. 1784, To Committee on State Departments and Institutions.

H. B. No. 1799, To Committee on Water and Conservation.

H. B. No. 1807, To Committee on Parks and Wildlife.

H. B. No. 1808, To Committee on Parks and Wildlife.

H. B. No. 1809, To Committee on Water and Conservation.

H. B. No. 1811, To Committee on Parks and Wildlife.

H. B. No. 1812, To Committee on Parks and Wildlife.

H. B. No. 1839, To Committee on Agriculture and Livestock.

H. B. No. 1845, To Committee on Water and Conservation.

Senate Resolution 1329

Senator Watson offered the following resolution:

S. R. No. 1329—Providing for an Interim Committee to study charitable foundations.

The resolution was read was referred to the Committee on Administration.

Senate Resolution 1330

Senator Mauzy offered the following resolution:

S. R. No. 1330—Providing for an Interim Committee to study possible reforms in the Mental Health and Mental Retardation System.

The resolution was read and was referred in the Committee on Administration.

Senate Resolution 1331

Senator Brooks offered the following resolution:

S. R. No. 1331—Authorizing Senate Enrolling Clerk to make certain corrections in S. B. No. 559.

The resolution was read and was adopted.

Senate Concurrent Resolution 108

Senator Herring offered the following resolution:

S. C. R. No. 108—Granting Bettye Baldwin permission to sue the State of Texas.

The resolution was read and referred to Committee on Jurisprudence.

Senate Concurrent Resolution 109

Senator Herring offered the following resolution:

S. C. R. No. 109—Granting Howard C. Anderson permission to sue the State of Texas.

The resolution was read and referred to Committee on Jurisprudence.

Senate Concurrent Resolution 110

Senator Herring offered the following resolution:

S. C. R. No. 110—Granting Ivan Stout permission to sue the State of Texas.

The resolution was read and referred to Committee on Jurisprudence.

Senate Concurrent Resolution 111

Senator Brooks offered the following resolution:

S. C. R. No. 111—Recalling H. B. No. 1622 from the House of Representatives.

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the resolution was considered immediately and was adopted.

Senate Concurrent Resolution 112

Senator Herring offered the following resolution:

S. C. R. No. 112—Granting Frederick E. Munk, et al. permission to sue the State of Texas.

The resolution was read and referred to Committee on Jurisprudence.

Report of Standing Committee

By unanimous consent Senator Blanchard submitted the following report for the Committee on Insurance:

S. C. R. No. 83.

Messages From the Governor

The following messages received from the Governor were read and referred to the Committee on Nominations:

Austin, Texas,
May 21, 1971.

To the Senate of the Sixty-second Legislature:

I ask the advice, consent, and confirmation of the Senate with respect to the following reappointment:

To be a Member of the Finance Commission of Texas: For a six-year term to expire February 1, 1977: J. H. Bain, Jr., of Stockdale, Wilson County, Texas.

Respectfully submitted,
PRESTON SMITH,
Governor of Texas.

Austin, Texas,
May 21, 1971.

To the Senate of the Sixty-second Legislature:

I ask the advice, consent, and confirmation of the Senate with respect to the following appointment:

To be a Member of the American Revolution Bicentennial Commission: To fill the unexpired term of Mrs. Marcella Perry, of Houston, Harris County, resigned, term to expire August 31, 1971: John T. Duncan, of Bryan, Brazos County.

Respectfully submitted,
PRESTON SMITH,
Governor of Texas.

Bills Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills:

S. B. No. 425.

S. B. No. 924.

S. B. No. 242.

S. B. No. 524.

S. B. No. 489.

S. B. No. 365.

S. B. No. 292.

S. B. No. 475.

S. B. No. 476.

S. B. No. 351.

S. B. No. 5.

S. B. No. 270.

S. B. No. 445.

S. B. No. 47.

Senate Bill 711 With House Amendment

Senator Mauzy called S. B. No. 711 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the following House amendment before the Senate:

Amendment No. 1

Amend Senate Bill 711 by striking Section 1(B), Subsections 1 and 2 of said Section 1(B), and substituting the following:

"(B) The Clerk of the Supreme Court shall receive a fee of five dollars for the issuance of an attorney's license or certificate, affixed with seal. The fee so collected shall be held by the Clerk and expended by the Court or under its direction for the purpose of preparation and issuance, including mailing, of said license or certificate."

The House amendment was read.

Senator Mauzy moved that the Senate concur in the House amendment.

The motion prevailed.

Senate Bill 409 With House Amendments

Senator Brooks called S. B. No. 409 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

Committee Amendment No. 1

Strike everything below the enacting clause and substitute the following:

Section 1. Art. 342-903, "Branch Banking Prohibited," Revised Civil Statutes of Texas, 1925, as enacted by Chapter 123, Sec. 1, Acts 1959, 56th Legislature, as amended, is amended to read:

"Art. 342-903. Branch Banking Prohibited.

"No state, national or private bank shall engage in business in more than one place, maintain any branch office, or cash checks or receive deposits except in its own banking house. For purposes of this Article 'banking house' means the building in which offices the business of the bank is conducted and which is functionally one place of business, including (a) office facilities whose nearest wall is located within five hundred (500) feet of the nearest wall of the central building and is physically connected to the central building by tunnel, passageway or hallway providing direct access between the central building and the connected office facility or by pneumatic tube or other similar carrier, and (b) in addition, if authorized in the manner hereinafter provided, not more than one (1) automobile drive-in facility whose nearest boundary is located within one thousand eight hundred fifty (1,850) feet of the nearest wall of the central building, but more than five hundred (500) feet therefrom and is connected to the central building by tunnel, passageway or hallway providing direct access between the central building and the connected automobile drive-in facility or by pneumatic tube or other similar carrier. The entire banking house shall for all purposes under the law be considered one integral banking house. The term 'automobile drive-in facility' as herein used shall mean a facility offering banking services solely to persons who arrive at such facility in an automobile and remain therein during the transaction of business with the bank.

"An automobile drive-in facility whose nearest boundary is located within one thousand eight hundred

fifty (1,850) feet of the nearest wall of the central building but more than five hundred (500) feet therefrom shall be authorized only in the following manner: Written application for authority to operate the same shall be filed with the Commissioner by the bank proposing such facility, which application shall specify the location of the proposed facility. Promptly upon the filing of such written application the Commissioner shall, by registered United States mail, postage prepaid, notify each bank, if any, whose central building is situated within one (1) mile radius of said proposed facility, hereinafter called the 'Interested Banks,' of the filing of such application, transmitting with such notice a true copy of said application. If within thirty (30) days following the mailing of such notice no written protest to the operation of the said proposed facility has been filed with the Commissioner by an Interested Bank, or, if there are no Interested Banks, said proposed facility shall thereupon be fully authorized without the necessity of any further action by the applying bank or by the Commissioner. However, if a written protest to the operation of said proposed facility is filed with the Commissioner during said thirty (30) day period by one or more of the Interested Banks, said application shall be promptly considered by the State Banking Board at a public hearing duly called, noticed and held in the same manner as hearings to consider applications for the granting of bank charters, and authorization to operate said proposed facility shall be granted at such hearing unless the State Banking Board shall find that the operation thereof will substantially and adversely affect one or more of the Interested Banks, in which case authorization shall be denied. National banks and private banks doing business in this State shall voluntarily submit to the jurisdiction of the State Banking Board, and abide by the determination of the Board as to whether or not permission should be granted to establish and operate an additional drive-in facility authorized under this Article, provided that any national bank which does not abide by the determination of the Board shall immediately forfeit all rights it may have under State law to act as reserve depository

for any State chartered bank and to act as depository for the public funds of the State and any county, city, municipality, school district or any other political subdivision of the State, and such funds shall be immediately withdrawn by the depositor and shall not be deposited thereafter in said national bank unless and until the Commissioner certifies to the depositor that said national bank is conducting its business in compliance with the Board's determinations and orders. In addition the Attorney General shall seek an injunction against any violation of the Board's orders under this Article by any national bank or private bank."

Section 2. If any provision, section, sentence, clause or part of this Act or the application thereof to any person or circumstance is held invalid, such holding shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application and to this end the provisions of this Act are declared to be severable.

Section 3. All laws or parts of laws which are in conflict with this Act are hereby repealed or modified to the extent of such conflict only.

Section 4. The need for modernization and clarification of the Texas Banking Code of 1943, so that banks may better serve their communities, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended; and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Amendment No. 1

Amend Committee Amendment No. 1 to S. B. No. 409, Second Printing, by inserting on line 18, page 2, between "addition," and "if" the following: "in a county having a population of at least 1,000,000, according to the last preceding federal census,".

Amendment No. 2

Amend Committee Amendment No. 1 to S. B. No. 409, Second Printing, by inserting on line 18, page 2, between "addition," and "if" the following: "in a county having a population of at least 350,000 according to the last preceding federal census,".

The House amendments were read.

Senator Brooks moved that the Senate concur in the House amendments.

The motion prevailed.

Record of Votes

Senators Word and Aikin asked to be recorded as voting "Nay" on the motion to concur in House amendments to H. B. No. 409.

Senate Bill 910 With House Amendments

Senator Word called S. B. No. 910 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

Amendment No. 1

Amend Section 5 of S. B. No. 910 to read as follows:

"Sec. 5. No person shall engage in the business of structural pest control after 90 days after the effective date of this Act unless he meets the standards set by the board and possesses a valid license issued by the board."

Amendment No. 2

Amend Section 7(a) of S. B. No. 910 after the words "Pest control services". Adding a new sentence:

This is not to apply to those locations serving only as answering services for a licensed business.

Amendment No. 3

Amend S. B. No. 910 by striking Section 5 and substituting the following:

Section 5. (a) Except as provided in Subsection (b), no person shall engage in the business of structural pest control after the effective date of this Act unless he meets the standards set by the board and possesses a valid license issued by the board.

(b) A person who has engaged in the business of structural pest control for a period of two years next preceding the effective date of this Act may apply to the board within 90 days after the effective date of this Act and shall be issued a temporary

license which shall be valid for a period not to exceed two years upon payment of the required fee and completion of a temporary licensing form as prescribed by the board without further qualifications or examination. All applicants under this subsection shall furnish evidence substantiating their eligibility before a temporary license may be granted.

The House amendments were read.

Senator Word moved that the Senate concur in the House amendments.

The motion prevailed.

Senate Bill 463 With House Amendment

Senator Word called S. B. No. 463 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the following House amendment before the Senate:

Amendment No. 1

Amend S. B. No. 463 by striking the period on line 38 after the word "county" and adding the following: "and shall terminate January 1, 1976."

The House amendment was read.

Senator Word moved that the Senate concur in the House amendment.

The motion prevailed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

Senate Bill 900 With House Amendments

Senator Harrington called S. B. No. 900 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

Amendment No. 1

Amend S. B. No. 900 by adding the following at the end of Section 2:

"Provided however that such tax increase shall first be approved by a vote of the qualified electors in the district voting in an election held in accordance with the election laws of the State."

Amendment No. 2

Amend the caption of S. B. No. 900 to conform to the body of the bill.

The House amendments were read.

Senator Harrington moved that the Senate concur in the House amendments.

The motion prevailed.

Senate Bill 350 With House Amendment

Senator Hightower called S. B. No. 350 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the following House amendment before the Senate:

Amendment No. 1

Amend S. B. 350 by adding the following after the word "bags" on line 34, page 1 of the Second Printing the following: "and all other agriculture products."

The House amendment was read.

Senator Hightower moved that the Senate concur in the House amendment.

The motion prevailed.

Senate Bill 249 With House Amendment

Senator Hightower called S. B. No. 249 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the following House amendment before the Senate:

Amendment No. 1

Amend Senate Bill 249 by adding the following to be numbered Sec. 2 and renumber the succeeding sections properly:

All clerks in reregistering brands shall comply with the following articles of Vernon's Revised Civil Statutes:

Article 6890 RCS

Article 6891 RCS

Article 6892 RCS

Article 6893 RCS

Article 6894 RCS

Article 6895 RCS

Article 6896 RCS

Article 6897 RCS

Article 6898 RCS

Article 6899 RCS

Article 6899a RCS

and also shall be aware of and comply with the following articles in the Penal Code:

Article 1484 PC

Article 1485 PC

Article 1486 PC

The House amendment was read.

Senator Hightower moved that the Senate concur in the House amendment.

The motion prevailed.

Senate Bill 700 With House Amendments

Senator Sherman called S. B. No. 700 from the President's table for consideration of the House amendments to the bill:

The President laid the bill and the following House amendments before the Senate:

Committee Amendment No. 1

Amend S. B. No. 700 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. That Section 13 of Chapter 264, Acts of the Fifty-ninth Legislature, Regular Session, 1965, as last amended by Chapter 376, Acts of the Sixty-first Legislature, Regular Session, 1969 (codified as Art. 7621e of Vernon's Texas Civil Statutes) is amended to read as follows:

Sec. 13. Any person who fails to comply with the provisions of this Act, or with any rule or regulation promulgated by the board or the commission under this Act, or with any term, condition or provision in his permit issued pursuant to this Act, shall be subject to a civil penalty in any sum not exceeding One Thousand Dollars (\$1,000.00) for each day of non-compliance and for each act of non-compliance as the court may deem proper. The action may be brought by the board or the commission, as appropriate, in any court of competent jurisdiction in the county where the offending activity is occurring or where the defendant resides. Full authority is also given the board or commission, as appropriate, to enforce by injunction, mandatory injunction or other appropriate remedy, in courts having jurisdiction in the county where the offending activity is occurring, any and all reasonable rules and regulations promulgated by it which do not conflict with any law, and all of the terms, conditions and provisions of permits issued by the board or commission pursuant to the provisions of this Act. At the request of the board or the commission, the attorney general shall institute and conduct a suit in the name of the State of Texas for injunctive relief or to recover the civil penalty, or for both the injunctive relief and civil penalty, authorized in this section. Any party to a suit may appeal from a final judgment as in other civil cases. The obtaining of a permit under the provisions of this Act by a person shall not act to relieve that person from liability under any statutory law or the Common Law.

Sec. 2. The fact that the Texas Water Well Drillers Board needs a civil penalty provision in its law and that there is a need for an enforcement program as to this agency create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the Rule is hereby suspended.

Committee Amendment No. 2

Amend S. B. No. 700 by striking all above the enacting clause and substituting in lieu thereof the following:

A BILL TO BE ENTITLED

An Act amending Section 13 of Chapter 264, Acts of the 59th Legislature, Regular Session, 1965, as last amended by Chapter 376, Acts of the 61st Legislature, Regular Session, 1969, (Codified as Art. 7621e of Vernon's Texas Civil Statutes); changing the penalties for violation of Article 7621e, Vernon's Civil Statutes, from misdemeanors to civil penalties of not to exceed \$1,000 per day for each and every day and each and every act; providing for injunctions; and declaring an emergency."

The House amendments were read.

Senator Sherman moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

Senate Bill 701 With House Amendment

Senator Sherman called S. B. No. 701 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the following House amendment before the Senate:

Committee Amendment No. 1

Amend S. B. No. 701 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Hereafter Section 9 of Chapter 264, Acts of the 59th Legislature, Regular Session, 1965, as last amended by Chapter 376, Acts of the 61st Legislature, Regular Session, 1969, (codified as Art. 7621e of Vernon's Texas Civil Statutes) is amended and it shall read as follows:

"Section 9. Appeal of Board Action.

(a) A person affected by any ruling, order, decision or other acts of the Board may appeal by filing a petition in the District Court in the county in which the alleged violation occurred.

(b) Petition must be filed within thirty days after the date of the Board's action, or, in case of a ruling, order, or decision, within 30 days after its effective date.

(c) Service of citation on the Board must be accomplished within 30 days after the date the petition was filed. Citation may be served on the Executive Director of the Water Development Board or on any member of the Water Well Drillers Board.

(d) The plaintiff shall pursue his action with reasonable diligence.

(e) Any ruling of the board may be appealed in the same manner as appeals from the justice court to the county court. All administrative or executive action taken prior to the filing of the suit shall continue in force and effect until the rights of the parties thereto shall be determined by the court upon a trial of the matters in controversy.

Sec. 2. The fact that there is no adequate provision for appeals to the Courts from the administrative agency creates an emergency and imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the Rule is hereby suspended.

The House amendment was read.

Senator Sherman moved that the Senate concur in the House amendment.

The motion prevailed by the following vote:

Yeas—31

Aikin	Brooks
Bates	Christie
Beckworth	Connally
Bernal	Creighton
Blanchard	Grover
Bridges	Hall

Harrington	Patman
Harris	Ratliff
Herring	Schwartz
Hightower	Sherman
Jordan	Snelson
Kennard	Wallace
Kothmann	Watson
Mauzy	Wilson
McKool	Word
Moore	

Senate Bill 818 With House Amendment

Senator Schwartz called S. B. No. 818 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the following House amendment before the Senate:

Amendment No. 1

Amend Senate Bill No. 818 as follows:

In line 33 delete the word "less" and insert in lieu thereof the word "more."

In line 35 after the word "Texas" insert a period and delete the balance of the sentence.

The House amendment was read.

Senator Schwartz moved that the Senate do not concur in the House amendment, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on S. B. No. 818 before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Schwartz, Mauzy, Blanchard, Wilson and McKool.

Senate Bill 73 With House Amendments

Senator Schwartz called S. B. No. 73 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

Committee Amendment No. 1

Amend S. B. 73 by striking line 41 and substitute the word "not" for the word "Non" on line 42.

Committee Amendment No. 2

Amend the caption of S. B. No. 73, First Printing, by striking on lines 27-28 on page 1, the words "and minimum."

Committee Amendment No. 3

Amend S. B. No. 73, First Printing, by striking on lines 41-42 of page 1, the words "less than Eleven Thousand Four Hundred Dollars (\$11,400.00) per annum, nor".

The House amendments were read.

Senator Schwartz moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on S. B. No. 73 before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Schwartz, Mauzy, Blanchard, Wilson and McKool.

Senate Bill 134 With House Amendments

Senator Patman called S. B. No. 134 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

Amendment No. 1

Amend S. B. No. 134, Second Printing by striking the words "Advisory Board" on line 7 of page 2 and all words on lines 8 and 9 and substitute in lieu thereof the following:

Advisory Board members shall be appointed by the Governor with the advice and consent of the Senate.

Amendment No. 2

Amend S. B. 134, Second Printing, by adding the following Section 4, and renumbering the remaining sections accordingly:

"Sec. 4. It is the express intent of the legislature that the Dairy Advisory Board serve in an advisory capacity only."

Amendment No. 3

Amend S. B. 134, Second Printing, Section 3, Subsection b, line 30, page 2, by changing the semicolon to a period following the word "hearings," and striking the remainder of line 30, and all of line 31.

The House amendments were read.

Senator Patman moved that the Senate concur in the House amendments.

The motion prevailed.

Conference Committee Report on House Bill 43

Senator Hightower submitted the following Conference Committee Report:

Austin, Texas,
May 21, 1971.

Hon. Gus Mutscher, Speaker of the House of Representatives.

Hon. Ben Barnes, President of the Senate.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and the Senate on H. B. No. 43, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text attached hereto.

DAVIS
ALLEN
CLAYTON
COLE
JONES

On the part of the House.

AIKIN
BLANCHARD
HERRING
HIGHTOWER
MAUZY

On the part of the Senate.

The Conference Committee Report was read and was adopted by the following vote:

Yeas—25

Aikin	Kennard
Bates	Kothmann
Blanchard	Mauzy
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Sherman
Creighton	Snelson
Grover	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word
Jordan	

Nays—6

Beckworth	Harrington
Bernal	McKool
Hall	Schwartz

**Committee Substitute
House Bill 203 on Second Reading**

Senator Hall moved to suspend the regular order of business and take up H. B. No. 203 for consideration at this time.

The motion prevailed by the following vote:

Yeas—25

Aikin	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Bridges	McKool
Brooks	Patman
Christie	Ratliff
Grover	Schwartz
Hall	Sherman
Harrington	Snelson
Harris	Watson
Herring	Wilson
Hightower	Word
Jordan	

Nays—6

Bates	Creighton
Blanchard	Moore
Connally	Wallace

The President laid before the Senate on its second reading and passage to third reading:

C. S. H. B. No. 203, A bill to be entitled "An Act establishing standards of conduct of legislators, other elected officials, and officers of State agencies, in the area of possible conflict between their private interests and official duties; prohibiting certain acts;

providing for filing of financial statements; establishing penalties for malfeasance; establishing a State Ethics Commission; setting rules for its formation, procedure, nature, and scope of investigation, funding, powers, filing of complaints, hearings, records, and decisions; providing penalties; and declaring an emergency."

The bill was read second time.

Senator Hall offered the following amendment to the bill:

Amend the Committee Substitute for House Bill 203 by inserting after subsection (h) of Section 3, the following subsections (i) and (j) to read as follows, and renumbering the succeeding subsections appropriately:

(i) No legislator, elected official or officer of a State agency shall use his official position to secure special privileges or exemptions for himself or others, except as may otherwise be provided by law.

(j) No legislator, elected official or officer of a State agency shall accept other employment which might impair his independence of judgment in the performance of his public duties.

The amendment was read and was adopted.

Senator Hall offered the following amendment to the bill:

Amend the Committee Substitute for House Bill 203 by striking all of Section 8 and inserting in lieu therefor a new Section 8 to read as follows;

Sec. 8. STATE ETHICS COMMISSION. (a) There is hereby created a State Ethics Commission consisting of:

(1) three members of the Senate, elected by the Senate;

(2) three members of the House of Representatives, elected by the members of the House of Representatives;

(3) two persons appointed by the Chief Justice of the Supreme Court of the State of Texas;

(4) two persons appointed by the Presiding Judge of the Court of Criminal Appeals of the State of Texas;

(5) two persons appointed by the Chairman of the State Judicial Qualifications Commission.

(b) Each House of the Legislature shall elect its representatives to serve

on the commission at the convening of each Regular Session of the Legislature. These members shall serve terms of two years.

(c) Each appointed member to the commission shall serve terms of two years. Terms expire on January 1 of odd-numbered years.

(d) Vacancies shall be filled for the unexpired term by appointment by the person making the appointment which has become vacant, and in the case of a member of the Legislature if the Legislature is not in session, by appointment by the presiding officer of the House whose representative has vacated.

(e) The commission shall elect from its members a chairman to serve a term of 2 years.

The amendment was read and was adopted.

Senator Hall offered the following amendment to the bill:

Amend the Committee Substitute for House Bill 203, Section 3, subsection (j), line 5, on page 4, by inserting the word "except" between the numerals "\$100" and the word "for."

The amendment was read and was adopted.

Senator Kennard offered the following amendment to the bill:

Amend H. B. No. 203 by adding a new section numbered "16a" on page 7 of the printed bill as follows:

"16a—It shall be unethical for an attorney who is a member of the Legislature to ask for a continuance in the trial of a law suit unless the said attorney was attorney prior to the convening of the legislature."

The amendment was read.

Senator Hall moved to table the amendment.

Question on the motion to table, "Yeas" and "Nays" were demanded.

The motion to table was lost by the following vote:

Yeas—10

Aikin	Jordan
Brooks	Patman
Christie	Snelson
Hall	Watson
Hightower	Word

Nays—21

Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Connally	Ratliff
Creighton	Schwartz
Grover	Sherman
Harrington	Wallace
Harris	Wilson
Herring	

Question recurring on the adoption of the amendment, the amendment was adopted.

On motion of Senator Hall and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

Record of Vote

Senator Creighton asked to be recorded as voting "Nay" on the passage of the bill to third reading.

House Bill 203 on Third Reading

Senator Hall moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 203 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Blanchard, Moore and Creighton asked to be recorded as voting "Nay" on the final passage of the bill.

Reason for Vote

I am submitting the following explanation in order to set the record straight regarding my motion today, May 21, to table Senator Kennard's amendment to H. B. No. 203, the House version of the Ethics Bill. As I stated on the Senate Floor, I fully agree with the spirit of the Kennard amendment—but with only one week of the session remaining, I felt it extremely dangerous to place such a controversial amendment on the Ethics Bill. All members of this body have had several months to offer such an amendment or to incorporate such into a bill. Such an amendment could only serve to further delay and entangle the progress of Ethics Legislation this session. I can only hope that the House of Representatives will accept this bill as amended and I will direct my efforts accordingly.

Ralph M. Hall
State Senator
9th District of Texas

**Vote on Concurrence in House
Amendments to Vote on Senate Bill
134 Reconsidered**

On motion of Senator Patman and by unanimous consent, the vote by which the Senate concurred in House Amendments to S. B. No. 134 was reconsidered.

Question—Shall the Senate concur in House amendments to S. B. No. 134?

The Senate again concurred in House amendments by the following vote:

Yeas—31

Aikin	Harrington
Bates	Harris
Beckworth	Herring
Bernal	Hightower
Blanchard	Jordan
Bridges	Kennard
Brooks	Kothmann
Christie	Mauzy
Connally	McKool
Creighton	Moore
Grover	Patman
Hall	Ratliff

Schwartz	Watson
Sherman	Wilson
Snelson	Word
Wallace	

Reports of Standing Committee

By unanimous consent, Senator Herring submitted the following reports for the Committee on Jurisprudence:

S. C. R. No. 108.

S. C. R. No. 109.

S. C. R. No. 110.

**Senate Concurrent Resolution 108
Ordered Not Printed**

On motion of Senator Herring and by unanimous consent, S. C. R. No. 108 was ordered not printed.

**Senate Concurrent Resolution 109
Ordered Not Printed**

On motion of Senator Herring and by unanimous consent, S. C. R. No. 109 was ordered not printed.

**Senate Concurrent Resolution 110
Ordered Not Printed**

On motion of Senator Herring and by unanimous consent, S. C. R. No. 110 was ordered not printed.

**Senate Bill 666 With
House Amendments**

Senator Hightower called S. B. No. 666 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

Amendment No. 1

Amend Sec. 1 of Article 3.73 as contained in Section 1 of S. B. 666 by striking all of Sec. 1 of Article 3.73 and inserting in lieu thereof the following:

"Sec. 1.

"A domestic life insurance company, stock, mutual, or fraternal may establish one or more segregated portfolios of investments for the purpose of meeting and complying with requirements arising from issuing individual and group life insurance and annuity contracts with variable benefits. Such portfolios of investments

shall have such identity as is prescribed by the State Board of Insurance and other appropriate authority."

Amendment No. 2

Amend S. B. No. 666 by striking all of Sec. 7 of Article 3.73 of the Insurance Code as contained in Section 1 of S. B. No. 666 and inserting in lieu thereof the following:

"Sec. 7.

"Except for paragraphs 2, 6, 7, 8, 9, 11, and 12 of Article 3.44, Insurance Code, Article 3.44a, Insurance Code, paragraph 3 of Article 3.45, Insurance Code, Section 2, paragraph (1) of Article 3.50, Insurance Code, Article 11.12, Insurance Code, Article 11.13, Insurance Code, and Article 11.14, Insurance Code, and except as otherwise provided in this Article, all pertinent provisions of this Code not conflicting with this Article shall apply to such separate accounts and contracts relating thereto. The provisions of this Article shall be considered and interpreted as being in conjunction with the provisions of Article 3.72 and other applicable statutes except that any conflict or ambiguity arising from such consideration shall be resolved on the basis of the provisions in this Article. Any individual variable life insurance contract, delivered or issued for delivery in this State, shall contain grace, reinstatement, and non-forfeiture provisions appropriate to such a contract. Any group variable life insurance contract, delivered or issued for delivery in this State, shall contain a grace provision appropriate to such a contract.

"The reserve liability for variable contracts shall be established in accordance with actuarial procedures that recognize the variable nature of the benefits provided and any mortality or other contractual guarantees."

The House amendments were read.

Senator Hightower moved that the Senate concur in the House amendments.

The motion prevailed.

Conference Committee Report on Senate Bill 43

Senator Schwartz submitted the following Conference Committee Report:

Austin, Texas,
May 20, 1971.

Hon. Ben Barnes, President of the Senate.

Hon. Gus F. Mutscher, Speaker of the House of Representatives.

Sirs: We, your Conference Committee appointed to adjust the differences between the House and Senate on Senate Bill No. 43, have met and adjusted our differences and beg leave to recommend that Senate Bill No. 43 be passed in the form attached hereto.

Respectfully submitted,

SCHWARTZ
WORD
MAUZY
BECKWORTH
KOTHMANN

On the part of the Senate.

HARRIS
NEUGENT
HAWKINS
HUBENAK
JUNGMICHAEL

On the part of the House.

S. B. No. 43,

A BILL TO BE ENTITLED

An Act relating to the appointment, powers and duties of reserve deputy sheriffs and reserve deputy constables; providing a severability clause; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. (a) The Commissioners Court of any county in the State may authorize the sheriff of the county to appoint reserve deputy sheriffs, or any constable of the county to appoint reserve deputy constables, who shall be subject to serve as peace officers during the actual discharge of their official duties upon call of the sheriff, in the case of deputy sheriffs, or of the constable in the case of deputy constables.

(b) The Commissioners Court may limit the number of reserve deputy sheriffs or reserve deputy constables who may be appointed.

(c) Such reserve deputy sheriffs shall serve at the discretion of the sheriff and may be called into service at any time the sheriff considers it

necessary to have additional officers to preserve the peace and enforce the law; and such reserve deputy constables shall serve at the discretion of the constable and may be called into service at any time the constable considers it necessary to have additional officers to preserve the peace and enforce the law.

(d) Such reserve deputy sheriffs and deputy constables shall serve without pay but the Commissioners Court may provide compensation for the purchase of uniforms and/or equipment used by such individuals.

(c) Such reserve deputy sheriffs and deputy constables, prior to their entry upon duty and simultaneously with their appointments, shall file an oath and bond in the amount of Two Thousand Dollars (\$2,000), payable to the sheriff, in the case of reserve deputy sheriffs, and payable to the constable, in the case of reserve deputy constables, and filed with the county clerk of the county in which said appointment is made.

(f) Such reserve deputy sheriffs, while on active duty at the call of the sheriff and while actively engaged in their assigned duties; and reserve deputy constables, while on active duty at the call of the constable and while actively engaged in their assigned duties, shall be vested with the same rights, privileges, obligations and duties of any other peace officer of the State of Texas.

Sec. 2. The county and/or the sheriff or constable shall not incur any liability by reason of the appointment of any such reserve deputy sheriff or deputy constable who incurs any personal injury while serving in such capacity.

Sec. 3. Chapter 546, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 4413 (29aa), Vernon's Texas Civil Statutes), is amended by adding a Section 2A to read as follows:

"Section 2A. (a) The Commission on Law Enforcement Officer Standards and Education shall establish minimum training standards for all reserve law enforcement officers which must be fulfilled before a person appointed as a reserve law enforcement officer may carry a weapon or otherwise act as a peace officer.

"(b) The Commission shall establish minimum physical, mental, edu-

cational, and moral standards for all reserve law enforcement officers.

Sec. 4. Any qualifications established for the position of reserve deputy sheriff or reserve deputy constable by the Commissioners Court shall meet the minimum physical, mental, educational, and moral standards established by the Commission on Law Enforcement Officer Standards and Education, but may be stricter than the standards of the Commission.

Sec. 5. Such reserve deputy sheriffs and deputy constables will wear an emblem or badge at all times while on active duty, said badge bearing the words "Deputy Sheriff R" or "Deputy Constable R" as the case may be.

Sec. 6. All laws in conflict herewith are hereby repealed to the extent of such conflict.

Sec. 7. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the application of such invalid provisions, and to this end the provisions of this Act are declared to be severable. If any clause, sentence, paragraph or section of this Act shall, for any reason, be adjudged by any court of competent jurisdiction to be unconstitutional and invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph or section thereof so found unconstitutional and invalid.

Sec. 8. The urgent need to strengthen law enforcement in the counties and the importance of this legislation and the crowded conditions of the calendars in both Houses creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended; and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was read and was adopted.

Reports of Standing Committees

By unanimous consent, Senator Creighton submitted the following reports for the Committee on Water and Conservation:

H. B. No. 1685.

H. B. No. 459.

H. B. No. 460.

H. B. No. 1110.

By unanimous consent, Senator Kennard submitted the following reports for the Committee on Public Health:

H. B. No. 1016.

H. B. No. 89.

H. B. No. 1002.

By unanimous consent, Senator Hall submitted the following reports for the Committee on County, District and Urban Affairs:

H. B. No. 1204.

C. S. H. B. No. 1393 (Read first time).

H. B. No. 1195.

H. B. No. 1676.

H. B. No. 1267.

H. B. No. 1718.

By unanimous consent, Senator Patman submitted the following report for the Committee on Agriculture and Livestock:

H. B. No. 1839.

By unanimous consent, Senator Herring submitted the following reports for the Committee on Jurisprudence:

H. B. No. 1792.

H. B. No. 335 (Amended).

By unanimous consent, Senator Brooks submitted the following report for the Committee on State Departments and Institutions:

H. B. No. 1784.

By unanimous consent, Senator Connally submitted the following reports for the Committee on Parks and Wildlife:

H. B. No. 1808.

H. B. No. 1807.

By unanimous consent, Senator McKool submitted the following report for the Committee on Privileges and Elections:

H. B. No. 843.

By unanimous consent, Senator Bates submitted the following report for the Committee on Transportation:

H. B. No. 1706 (Amended).

House Bill 1784 Ordered Not Printed

On motion of Senator McKool and by unanimous consent, H. B. No. 1784 was ordered not printed.

House Bill 1267 Ordered Not Printed

On motion of Senator Kothmann and by unanimous consent H. B. No. 1267 was ordered not printed.

Committee Substitute

House Bill 1393 Ordered Not Printed

On motion of Senator Brooks and by unanimous consent, C. S. H. B. No. 1393 was ordered not printed.

House Bill 1676 Ordered Not Printed

On motion of Senator Watson and by unanimous consent, H. B. No. 1676 was ordered not printed.

Executive Session

The President announced the time had arrived for the Senate to go into Executive Session at 11:30 o'clock a.m. today (the notice for Executive Session having been given on yesterday.)

Accordingly, the President directed all those not entitled to attend the Executive Session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the Executive Session the Secretary of the Senate informed the Journal Clerk that the Senate had confirmed the following nominations:

To be a Member of the Texas Real Estate Commission: for a six-year term to expire October 5, 1975: Joe W. Farmer, Austin, Travis County; John Harold Chapman, Lubbock, Lubbock County.

To be a Member of the School Land Board: Stuart Long, Austin, Travis County.

To be a Member of the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids: For a

two-year term to expire December 31, 1971: Dr. Aram Glorig, Dallas, Dallas County.

To be a Member of the State Board of Trustees for the Teacher Retirement System of Texas: For a six-year term to expire August 31, 1975: William B. Black, Jr., Houston, Harris County.

To be a Member of the Board of Directors of the Neches River Conservation District: For a six-year term to expire September 5, 1975: Joe Davis Foster, Center, Shelby County; Pitser H. Garrison, Lufkin, Angelina County; N. C. (Red) Garrison, Garrison, Nacogdoches County. For a six-year term to expire September 5, 1973: Ottis E. Lock, Lufkin, Angelina County; H. J. Shands, Sr., Lufkin, Angelina County; Jack W. Flock, Tyler, Smith County. For a term to expire September 5, 1971: Emmett H. Whitehead, Rusk, Cherokee County.

To be a Member of the Advisory Hospital Council: For a six-year term to expire July 17, 1975: Sister Mary David, Houston, Harris County; Jesse H. Oppenheimer, San Antonio, Bexar County; George David Trader, Robstown, Nueces County. For a term to expire July 17, 1973: Robert P. Gordon, San Angelo, Tom Green County. For a term to expire July 17, 1971: Edward S. Reese, Gonzales, Gonzales County.

To be a Member of the Upper Guadalupe River Authority: For a six-year term to expire January 1, 1974: Clyde Parker, Kerrville, Kerr County.

To be a Member of the Texas Fine Arts Commission: For a six-year term to expire August 31, 1975: Mrs. Mary Lou Braymer, San Angelo, Tom Green County; Harold J. Elias, Longview, Gregg County; Mrs. Frances M. Holden, Lubbock, Lubbock County; Russell R. Waterhouse, El Paso, El Paso County; Mrs. Veda Wells Hodge, Midland, Midland County. For a six year term to expire August 31, 1973: Gilbert M. Denman, Jr., San Antonio, Bexar County. For a term to expire August 31, 1973: Dr. John Biggers, Houston, Harris County.

To be a Member of the Board of Regents of Midwestern University: For a six-year term to expire Feb-

ruary 25, 1976: William N. (Bill) Thacker, Jr., Wichita Falls, Wichita County; James B. Barnett, Wichita Falls, Wichita County.

To be a Member of the Radiation Advisory Board: For a six-year term to expire April 16, 1975: George M. Brewer, Lubbock, Lubbock County; Dr. Dan Hightower, Bryan, Brazos County; Dr. Lloyd Raymond Hershberger, San Angelo, Tom Green County.

To be a Member of the State Board of Nurse Examiners: For a six-year term to expire January 31, 1975: Mrs. Elaine B. Cominsky, Pasadena, Harris County.

To be a Member of the Commission for Indian Affairs: For a six-year term to expire January 31, 1977: Victor B. Fain, Nacogdoches, Nacogdoches County. For a six-year term to expire January 31, 1975: Barney Joseph Wieland, El Paso, El Paso County.

To be a Member of the Gulf Coast Waste Disposal Authority: For a two-year term to expire August 31, 1972: Thomas Frank Jenkins, Winnie, Chambers County; Dr. Frank Lamont Jennings, Galveston, Galveston County. For a two-year term to expire August 31, 1971: Dr. William Thomas Arnold, Houston, Harris County.

To be a Member of the Board of Regents of Texas State Technical Institute: For a six-year term to expire August 31, 1975: James Yancey Price, Lubbock, Lubbock County.

To be a Member of the Battleship Texas Commission: For a term to expire May 1, 1973: Ralph F. Block, Houston, Harris County.

To be the Interstate Compact Commissioner for the Red River: For a two-year term to expire June 23, 1971: William Ralph Elliott, Sherman, Grayson County.

To be a Member of the Board of Trustees of the Texas County and District Retirement System: For a six-year term to expire December 31, 1975: Ramiro M. Guerra, Edinburg, Hidalgo County; M. Fern Cox, Big Spring, Howard County.

To be a Member of the Commission on Fire Protection Personnel Standards and Education: For a six-year term to expire June 11, 1975: Bart

T. Mulhern, San Antonio, Bexar County; Tom D. Pinckney, Austin, Travis County. For a four-year term to expire June 11, 1973: Alcus Greer, Houston, Harris County; William Hershel Sharp, Lubbock, Lubbock County; Mike Bortoni Perez, Jr., Laredo, Webb County. For a two-year term to expire June 11, 1971: Hugh Verner Keepers, Dallas, Dallas County; Richard Russell, Richardson, Dallas County; Troy Standley, Beaumont, Jefferson County.

To be a Member of the Board of Directors of the Upper Neches River Municipal Water Authority: For a six-year term to expire January 1, 1977: Wright Matthews, Palestine, Anderson County. For a six-year term to expire January 1, 1975: John B. McDonald, Palestine, Anderson County.

To be a Member of the Board of Trustees of the Texas County and District Retirement System: For a six-year term to expire December 31, 1975: Newton F. Foster, Tyler, Smith County.

To be a Member of the Board of Regents of Lamar State College of Technology: For a six-year term to expire October 4, 1975: William Samuel Monroe, Port Arthur, Jefferson County; Cecil Randolph Beeson, Orange, Orange County; John Luther Smith, San Augustine, San Augustine County.

To be a Member of the Board of Trustees of the Employees Retirement System of Texas: For a six-year term to expire August 31, 1976: Dave Smith, Austin, Travis County.

To be a Member of the Board of Directors of the Guadalupe-Blanco River Authority: For a six-year term to expire February 1, 1977: Ed F. DeLeon, Cuero, DeWitt County; Edward Reese, Gonzales, Gonzales County; Zeb H. Fitzgerald, San Marcos, Hays County.

To be a Member of the Texas Library and Historical Commission: For a term to expire September 28, 1973: James M. Moudy, Ph.D., Fort Worth, Tarrant County. For a six-year term to expire September 28, 1975: Frank Prescott Horlock, Jr., Houston, Harris County.

To be a Member of the Board of Trustees of the Municipal Retirement

System: For a six-year term to expire December 31, 1976: Virgil C. Gray, Brownwood, Brown County; Walter Wilkins, Corpus Christi, Nueces County.

To be a Member of the John F. Kennedy Memorial Commission: For a two-year term to expire January 31, 1971: Edward W. Guinn, M.D., Fort Worth, Tarrant County. For a four-year term to expire January 31, 1973: The Most Reverend Francis J. Furey, San Antonio, Bexar County. For a six-year term to expire January 31, 1975: Raymond D. Nasher, Dallas, Dallas County.

To be a Member of the State Board of Tuberculosis Nurse Examiners: For a six-year term to expire March 12, 1974: Mildred I. Blair, Cisco, Eastland County. For a six-year term to expire March 12, 1976: Mrs. Joyce Herd, Dallas, Dallas County.

To be a Member of the Board of Directors of Texas Southern University: For a term to expire February 1, 1975: Andrew Leon Jefferson, Jr., Houston, Harris County.

To be a Member of the Board of Managers of the Texas State Railroad: For a six-year term to expire April 8, 1975: Wayne C. Sellers, Palestine, Anderson County.

To be a Member of the American Revolution Bicentennial Commission: For a term to expire August 31, 1971: Mrs. Louise (Charles) Maedgen, Lubbock, Lubbock County.

To be Firemen's Pension Commissioner: For a two-year term to expire July 1, 1971: Mrs. Marie Hudson Winters, Austin, Travis County.

To be a Member of the Texas Civil Judicial Council: For a six-year term to expire July 1, 1975: Hugh M. Patterson, Houston, Harris County.

To be a Member of the Board of Directors of the Red River Authority of Texas: For a six-year term to expire August 11, 1973: Henry Drown Field, Jr., Saint Jo, Montague County.

To be a Member of the Board of Regents of Stephen F. Austin State University: For a six-year term to expire January 31, 1977: Robert C. Gray, Austin, Travis County.

To be a Member of the Board of Directors of the Upper Colorado River Authority: For a six-year term to

expire January 1, 1977: John R. Salmon, San Angelo, Tom Green County.

To be Commissioner of Labor Statistics: For a two-year term to expire February 1, 1971: Tommy V. Smith, Austin, Travis County.

To be Banking Commissioner of Texas: For a term effective July 1, 1970: Robert E. Stewart, Austin, Travis County.

To be District Judge of the 169th Judicial District: J. F. Clawson, Jr., Belton, Bell County.

To be a Member of the Texas Tourist Development Board: For a six-year term to expire August 23, 1975: Robert E. Conwell, Corpus Christi, Nueces County.

To be a Member of the Texas Board of Landscape Architects: For a two-year term to expire August 31, 1971: Robert Hall Green, Houston, Harris County. For a four-year term to expire August 31, 1973: Otto Erwin Scherz, San Angelo, Tom Green County. For a six-year term to expire August 31, 1975: Leonard Morrison Riggs, Longview, Gregg County.

To be a Member of the National Conference on Uniform State Law: For a four-year term to expire July 7, 1973: Talbot Rain, Dallas, Dallas County; Raymond A. Lynch, Midland, Midland County.

The Secretary of the Senate informed the Journal Clerk the following nomination of the Governor was rejected:

To be District Judge, 146th Judicial District: William C. Black, Belton, Bell County.

The Secretary of the Senate informed the Journal Clerk the following nomination was postponed until the next Executive Session:

To be a Member of the Texas Conservation Foundation: For a four-year term to expire January 31, 1973: Harry Lee Tennison, Fort Worth, Tarrant County.

In Legislative Session

The President called the Senate to order as In Legislative Session at 12:02 o'clock p.m.

Senate Bill 1027 on Second Reading

Senator Ratliff moved that Senate Rules 13, 30 and 36 and the Consti-

tutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 1027 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

The President then laid before the Senate on its second reading and passage to engrossment the following bill:

S. B. No. 1027, A bill to be entitled "An Act amending Acts 1957, 55th Legislature, Chapter 86, as amended, removing the restrictions prohibiting the use of money received from taxation or from bonds payable wholly or partially from taxation to acquire land for public parks and recreational facilities, and the right of eminent domain for such purposes; providing for severability; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 1027 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the President laid S. B. No. 1027 before the Senate on its third reading and final passage.

The bill was read the third time and was passed by the following vote:

Yeas—31

Aikin	Blanchard
Bates	Bridges
Beckworth	Brooks
Bernal	Christie

Connally	McKool
Creighton	Moore
Grover	Patman
Hall	Ratliff
Harrington	Schwartz
Harris	Sherman
Herring	Snelson
Hightower	Wallace
Jordan	Watson
Kennard	Wilson
Kothmann	Word
Mauzy	

Motion in Writing

Senator Hall submitted the following Motion in Writing:

Hon Ben Barnes, President of the Senate.

Notice is hereby given of the intent to hold a Local and Uncontested Calendar on Saturday, May 22, 1971, at 9:30 a.m.

RALPH M. HALL
Chairman,
Local and Uncontested
Bills Committee

The Motion in Writing was read and was adopted.

Senate Bill 1028 on Second Reading

Senator Watson moved that Senate Rules 13, 30 and 36 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 1028 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

The President then laid before the Senate on its second reading and passage to engrossment the following bill:

S. B. No. 1028, A bill to be entitled "An Act relating to the establishment, operation, and maintenance of a medical school under contract with the United States Government; and declaring an emergency."

The bill was read the second time and was passed to engrossment.

Senate Bill 1028 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the President laid S. B. No. 1028 before the Senate on its third reading and final passage.

The bill was read the third time and was passed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

House Bill 1718 Ordered Not Printed

On motion of Senator Moore and by unanimous consent, H. B. No. 1718 was ordered not printed.

House Bill 1807 Ordered Not Printed

On motion of Senator Moore and by unanimous consent, H. B. No. 1807 was ordered not printed.

House Bill 1808 Ordered Not Printed

On motion of Senator Moore and by unanimous consent, H. B. No. 1808 was ordered not printed.

House Bill 1839 Ordered Not Printed

On motion of Senator Moore and by unanimous consent, H. B. No. 1839 was ordered not printed.

House Bill 1204 Ordered Not Printed

On motion of Senator Word and by unanimous consent, H. B. No. 1204 was ordered not printed.

Senate Bill 1029 on Second Reading

Senator Blanchard moved that Senate Rules 13, 30 and 36 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 1029 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

The President then laid before the Senate on its second reading and passage to engrossment the following bill:

S. B. No. 1029, A bill to be entitled "An Act relating to the compensation of certain shorthand reporters; etc.; and declaring an emergency."

The bill was read the second time and was passed to engrossment.

Senate Bill 1029 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the President laid S. B. No. 1029 before the Senate on its third reading and final passage.

The bill was read the third time and was passed by the following vote:

Yeas—31

Aikin	Bernal
Bates	Blanchard
Beckworth	Bridges

Brooks	Mauzy
Christie	McKool
Connally	Moore
Creighton	Patman
Grover	Ratliff
Hall	Schwartz
Harrington	Sherman
Harris	Snelson
Herring	Wallace
Hightower	Watson
Jordan	Wilson
Kennard	Word
Kothmann	

House Bill 1002 Ordered Not Printed

On motion of Senator Kennard and by unanimous consent, H. B. No. 1002 was ordered not printed.

Message From the House

Hall of the House of Representatives

Austin, Texas,
May 21, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 152, Commending the Echols family and the Citizens National Bank and Trust Company of Baytown for distinguished service to their community and to the State of Texas.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Bill 385 on Third Reading

Senator Jordan moved to suspend the regular order of business and take up S. B. No. 385 for consideration at this time.

The motion prevailed by the following vote:

Yeas—25

Aikin	Kothmann
Bates	Mauzy
Beckworth	McKool
Bernal	Moore
Bridges	Patman
Brooks	Schwartz
Christie	Sherman
Hall	Snelson
Harrington	Wallace
Herring	Watson
Hightower	Wilson

Jordan Word
Kennard

Nays—6

Blanchard Grover
Connally Harris
Creighton Ratliff

The President laid before the Senate on its third reading and final passage:

S. B. No. 385, A bill to be entitled "An Act creating the Texas Housing Finance Corporation; etc.; and declaring an emergency."

The bill was read third time.

Question—Shall S. B. No. 385 be finally passed?

Recess

On motion of Senator Aikin the Senate at 12:15 o'clock p.m. took recess until 2:15 o'clock p.m. today.

After Recess

The President Pro Tempore called the Senate to order at 2:15 o'clock p.m. today.

House Bill 1195 Ordered Not Printed

On motion of Senator Ratliff and by unanimous consent, H. B. No. 1195 was ordered not printed.

House Bills on First Reading

The following bills received from the House, were read the first time and referred to the Committees indicated:

H. B. No. 118, To Committee on County, District and Urban Affairs.

H. B. No. 1855, To Committee on County, District and Urban Affairs.

H. B. No. 521, To Committee on Education.

H. B. No. 680, To Committee on Insurance.

H. B. No. 690, To Committee on County, District and Urban Affairs.

H. B. No. 799, To Committee on Public Health.

H. B. No. 903, To Committee on Jurisprudence.

H. B. No. 1034, To Committee on Jurisprudence.

H. B. No. 1062, To Committee on County, District and Urban Affairs.

H. B. No. 1067, To Committee on Administration.

H. B. No. 1099, To Committee on County, District and Urban Affairs.

H. B. No. 1181, To Committee on Jurisprudence.

H. B. No. 1225, To Committee on Jurisprudence.

H. B. No. 1262, To Committee on Environment.

H. B. No. 1422, To Committee on Agriculture and Livestock.

H. B. No. 1460, To Committee on County, District and Urban Affairs.

H. B. No. 1583, To Committee on Jurisprudence.

H. B. No. 1707, To Committee on Jurisprudence.

H. B. No. 1715, To Committee on County, District and Urban Affairs.

H. B. No. 1745, To Committee on County, District and Urban Affairs.

H. B. No. 1759, To Committee on Parks and Wildlife.

H. B. No. 1766, To Committee on Parks and Wildlife.

H. B. No. 1780, To Committee on County, District and Urban Affairs.

H. B. No. 1787, To Committee on County, District and Urban Affairs.

H. B. No. 1827, To Committee on County, District and Urban Affairs.

H. B. No. 1840, To Committee on Water and Conservation.

H. B. No. 1848, To Committee on County, District and Urban Affairs.

H. B. No. 1850, To Committee on County, District and Urban Affairs.

Reports of Standing Committees

By unanimous consent, Senator Creighton submitted the following reports for the Committee on Water and Conservation:

H. B. No. 1639.

H. B. No. 1619.

H. B. No. 1107.

H. B. No. 1845.

H. B. No. 1379.

H. B. No. 1384.

H. B. No. 1383.

H. B. No. 1382.

H. B. No. 1381.

H. B. No. 1672.

H. B. No. 576.

H. B. No. 1721.

By unanimous consent, Senator Conally submitted the following report for the Committee on Parks and Wildlife:

H. B. No. 1161.

By unanimous consent, Senator Hall submitted the following reports for the Committee on County, District and Urban Affairs:

H. B. No. 227.

H. B. No. 1855.

H. B. No. 1460.

H. B. No. 1081.

H. B. No. 1787 (Amended).

H. B. No. 1456.

H. B. No. 1039.

H. B. No. 1715.

H. B. No. 136.

H. B. No. 1827.

By unanimous consent, Senator Herring submitted the following reports for the Committee on Jurisprudence:

S. C. R. No. 112.

H. B. No. 243.

By unanimous consent, Senator Kennard submitted the following report for the Committee on Public Health:

H. B. No. 211.

Vote Recorded

On motion of Senator McKool and by unanimous consent, he will be recorded as voting "Yea" instead of "Nay" on the motion to suspend the

regular order of business on S. B. No. 876 on Tuesday, May 18, 1971.

Senate Bill 385 on Third Reading

The Senate resumed the consideration of the pending business, same being S. B. No. 385 on its third reading and final passage.

Question—Shall S. B. No. 385 be finally passed.

The bill was finally passed.

Record of Votes

Senators Grover and Word asked to be recorded as voting "Nay" on the final passage of the bill.

Bills Signed

The President Pro Tempore announced the signing by the President in the presence of the Senate after the caption had been read, the following enrolled bills:

S. B. No. 828.

S. B. No. 830.

S. B. No. 677.

S. B. No. 659.

S. B. No. 812.

S. B. No. 880.

S. B. No. 683.

S. B. No. 829.

S. B. No. 912.

S. B. No. 961.

S. B. No. 772.

S. B. No. 702.

S. B. No. 956.

S. B. No. 621.

S. B. No. 618.

S. B. No. 832.

House Bill 1381 Ordered Not Printed

On motion of Senator Brooks and by unanimous consent, H. B. No. 1381 was ordered not printed.

House Bill 1382 Ordered Not Printed

On motion of Senator Brooks and by unanimous consent, H. B. No. 1382 was ordered not printed.

House Bill 1383 Ordered Not Printed

On motion of Senator Brooks and by unanimous consent, H. B. No. 1383 was ordered not printed.

House Bill 1384 Ordered Not Printed

On motion of Senator Brooks and by unanimous consent, H. B. No. 1384 was ordered not printed.

Senate Bill 841 on Second Reading

On motion of Senator Bernal and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 841, A bill to be entitled "An Act creating a Criminal Justice Planning Fund, providing for costs of courts for said fund, providing for the appropriation and expenditure of said funds, reappropriation of said funds; and declaring an emergency."

The bill was read second time.

Senator Bernal offered the following Committee Amendment to the bill:

Amend S. B. 841 by substituting the amount \$2.50 for \$5.00 in Section 3(a) of the bill.

The Committee Amendment was read and was adopted.

Senator Bernal offered the following Committee Amendment to the bill:

Amend Section 4 of S. B. 841 by substituting therefor the following:

The sum of \$5.00 shall be taxed as costs of court, in addition to other taxable court costs, upon conviction in each misdemeanor case and the sum of \$10.00 shall be taxed as costs of court, in addition to other taxable court costs, upon conviction in each felony case in all cases in which original jurisdiction lies in courts whose jurisdiction is limited to fines and/or confinement in a jail or the department of corrections.

The Committee Amendment was read and was adopted.

Senator Bernal offered the following amendment to the bill:

Amend Section 7 of S. B. 841 by adding the following sentence:

The municipal and county treasuries are hereby authorized to retain 5% of funds collected under this Act as a service fee for said collection.

The amendment was read and was adopted.

On motion of Senator Bernal and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Record of Votes

Senators Moore, Grover, Blanchard, Word, Creighton, Hall and Aikin asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

Senate Bill 841 on Third Reading

Senator Bernal moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 841 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Hightower
Bates	Jordan
Beckworth	Kennard
Bernal	Kothmann
Blanchard	Mauzy
Bridges	McKool
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word

Nays—1

Moore

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Moore, Herring, Harrington, Word and Grover asked to be

recorded as voting "Nay" on the final passage of the bill.

House Bill 858 on Second Reading

On motion of Senator Bernal and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 858, A bill to be entitled "An Act amending Section 3 and 26 of the Texas Uniform Limited Partnership Act (Article 6132a, Vernon's Texas Civil Statutes); and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 858 on Third Reading

Senator Bernal moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 858 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Bridges
Bates	Brooks
Beckworth	Christie
Bernal	Connally
Blanchard	Creighton

Grover	Moore
Hall	Patman
Harrington	Ratliff
Harris	Schwartz
Herring	Sherman
Hightower	Snelson
Jordan	Wallace
Kennard	Watson
Kothmann	Wilson
Mauzy	Word
McKool	

House Bill 1161 Ordered Not Printed

On motion of Senator Patman and by unanimous consent, H. B. No. 1161 was ordered not printed.

House Bill 1721 Ordered Not Printed

On motion of Senator Patman and by unanimous consent, H. B. No. 1721 was ordered not printed.

House Bill 1081 Ordered Not Printed

On motion of Senator Patman and by unanimous consent, H. B. No. 1081 was ordered not printed.

Senate Bill 835 with House Amendments

Senator Herring called S. B. No. 835 from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and the following House amendments before the Senate:

Amendment No. 1

Amend Senate Bill No. 835, House First Printing, by striking all below the enacting clause and substituting the following:

Section 1. Section 3.22 of the Texas Water Quality Act, as amended (codified as Article 7621d-1, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 3.22. PRIVATE SEWAGE FACILITIES. (a) As used in this section, 'private sewage facilities' means septic tanks, pit privies, cess-pools, sewage holding tanks, injection wells used to dispose of sewage, chemical toilets, treatment tanks, and all other facilities, systems and methods used for the disposal of sewage other than disposal systems operated under a permit issued by the board.

"(b) Whenever it appears that the use of private sewage facilities in an

area is causing or may cause pollution or is injuring or may injure the public health, the board may hold a public hearing in or near the area to determine whether an order should be adopted controlling or prohibiting the installation or use of private sewage facilities in the area. Before entering such an order, the board shall consult with the State Commissioner of Health for recommendations concerning the impact of the use of private sewage facilities in the area on public health. If the board finds after the hearing that the use of private sewage facilities in an area is causing or may cause pollution, or is injuring or may injure the public health, the board may enter an order adopting such regulations on private sewage facilities as it may consider appropriate to abate or prevent pollution or injury to public health.

"(c) The regulations so ordered may, without limitation, do one or more of the following:

"(1) limit the number and kind of private sewage facilities which may be used in the area;

"(2) prohibit the installation and use of additional private sewage facilities or kinds of private sewage facilities in the area;

"(3) require modification or improvements to existing private sewage facilities or impose limitations on their use; and

"(4) provide for a gradual and systematic reduction of the number of kinds of private sewage facilities in the area.

"(d) The board may provide in the regulations for a system of licensing of private sewage facilities in the area, including procedures for cancellation of a license for violation of this Act, the license, or the orders or regulations of the board. The board may also provide in the system of licensing for periodic renewal of the licenses, but this may not be required more frequently than once a year. The board may delegate the licensing function and the administration of the licensing system to the executive director or to any local government whose boundaries include the area or which has been designated by the board under Section 3.29 of this Act as the agency to develop a regional waste disposal system which includes the area. The board also may pre-

scribe and require the payment of reasonable license fees by an applicant for a license, including fees for periodic renewal of a license. The board may change the amount of the license fees from time to time. The amount of the fees shall be based on the reasonable cost of performing the licensing function and administering the licensing system, including, where applicable, costs of soil percolation and other tests to determine the suitability of using a particular type or types of private sewage facilities in the area or at any location within the area, field inspections, travel, and other costs directly attributable to performing the licensing function and administering the licensing system. If the board or the executive director has the responsibility for performing the licensing function, the license fees shall be paid to the board; those fees shall not be deposited in the general revenue fund of the State, but shall be deposited in a special fund for use by the board in performing the licensing function and administering the licensing system, and the fees so deposited are hereby appropriated to the board to use for those purposes only. If a local government has the responsibility for performing the licensing function, the fees shall be paid to the local government.

"(e) Whenever it appears to the Commissioners Court of any county that the use of private sewage facilities in an area within the county is causing or may cause pollution, or is injuring or may injure the public health, the county may proceed in the same manner and in accordance with the same procedures as the board to hold a public hearing and enter an order, resolution or other regulation as it may consider appropriate to abate or prevent pollution or injury to public health. The order, resolution, or other regulation may provide the same restrictions and requirements as are authorized for an order of the board entered under this section. Before the order, resolution, or other regulation becomes effective, the county shall submit it to the board and obtain the board's written approval. In the event of any conflict within an area between an order adopted by the board and an order, resolution, or other regulation adopted by a county under this section, the

order of the board shall take precedence.

"(f) Where a system of licensing has been ordered by the board or the Commissioners Court of a county, no person may install or use private sewage facilities required to be licensed thereunder without obtaining such a license."

Sec. 2. Sections 3.26, 3.27, and 3.28 of the Texas Water Quality Act, as amended (codified as Article 7621d-1, Vernon's Texas Civil Statutes), are amended to read as follows:

"Section 3.26. WATER QUALITY MANAGEMENT PLANS. (a) The board may develop and prepare, and from time to time revise, comprehensive water quality management plans for the different areas of the State, as designated by the board.

"(b) The board may contract with local governments, regional planning commissions, planning agencies, other State agencies, colleges and universities in the State, and any other qualified and competent person to assist the board in developing and preparing, and from time to time revising, water quality management plans for areas designated by the board.

"(c) With funds provided for the purpose by legislative appropriation, the board may make grants or interest-free loans to, or contract with, local governments, regional planning commissions, and planning agencies to pay administrative and other expenses of such entities for developing and preparing, and from time to time revising, water quality management plans for areas designated by the board. The period of time for which funding under this provision may be provided for developing and preparing, or for revising, a plan may not exceed three consecutive years in each instance. Any loan made pursuant to this subsection shall be repaid when the construction of any project included in the plan is begun.

"(d) Any person developing or revising a plan shall, during the course of the work, consult with the board, and with local governments and other federal, State, and local governmental agencies which in the judgment of the board or the executive director may be affected by or have a legitimate interest in the plan.

"(e) Insofar as may be practical, the water quality management plans shall be reasonably compatible with the other governmental plans for the area, such as area or regional transportation, public utility, zoning, public education, recreation, housing, and other related development plans.

"Section 3.27. APPROVAL OF PLANS. (a) After a water quality management plan has been prepared or significantly revised, as authorized in Section 3.26 of this Act, it shall be submitted to the board and to such local governments and other federal, State, and local governmental agencies as in the judgment of the board or the executive director may be affected by or have a legitimate interest in the plan.

"(b) After a reasonable period of time as determined by the board for the persons to whom the plan was submitted to review and consult on the plan, a public hearing shall be held on whether the plan should be approved or whether the plan should be modified in any way. Notice of the hearing shall be given to the person or persons who prepared or revised the plan and to the persons to whom the plan was submitted for review.

"(c) After the public hearing if the board finds that the plan complies with the policy and purpose of this Act and the rules and policies of the board, it shall approve the plan. If the board does not so find, it may disapprove the plan, modify the plan as necessary so that it will comply, or return it for further development and later resubmission to the board, in accordance with the procedure in Section 3.26 and this section.

"(d) When a water quality management plan has been approved as provided in this section, the plan may be furnished to the Federal Environmental Protection Agency, the Federal Water Quality Administration, or any other federal official or agency in fulfillment of any federal water quality management planning requirement specified for any purpose by the federal government.

"(e) The board may use an approved water quality management plan, or a plan in progress but not completed or approved, in reviewing and making determination on applications for permits and on applica-

tions for financial assistance for construction of treatment works.

"Section 3.28. FISCAL CONTROL ON WATER QUALITY MANAGEMENT PLANNING. In administering the program for making grants and loans to and contracting with local governments, regional planning commissions and planning agencies, as authorized in Subsection (c) of Section 3.26 of this Act, the board shall adopt rules and procedures for the necessary engineering review and supervision, fiscal control, and fund accounting. The fiscal control and fund accounting procedures are supplemental to other procedures prescribed by law."

Sec. 3. Section 5.05 of the Texas Water Quality Act, as amended (codified as Article 7621d-1, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 5.05. COOPERATIVE AGREEMENTS. (a) A local government may execute cooperative agreements with the board or other local governments:

"(1) to provide for the performance of water quality management, inspection, and enforcement functions and to provide technical aid and educational services to any party to the agreement; and

"(2) for the transfer of money or property from any party to the agreement to another party to the agreement for the purpose of water quality management, inspection, enforcement, technical aid and education, and the construction, ownership, purchase, maintenance, and operation of disposal systems.

"(b) Whenever in the opinion of the board it would facilitate and enhance the performance by a local government of its water quality management, inspection, and enforcement functions pursuant to a cooperative agreement between the local government and the board, as authorized in Subsection (a) of this section, the board may assign and delegate to the local government during the period of the agreement such of the pertinent powers and functions vested in the board under this Act as in the judgment of the board may be necessary or helpful to the local government in performing those management, inspection, and enforcement functions. At any time and from

time to time, prior to the termination of the cooperative agreement, the board may modify or rescind any such assignment or delegation. The board shall notify immediately a local government to whom it assigns or delegates any powers and functions pursuant to this subsection or as to when it modifies or rescinds any such assignment or delegation."

Sec. 4. The Texas Water Quality Act, as amended (codified as Article 7621d-1, Vernon's Texas Civil Statutes), is amended by adding a new Section 5.06 to Subchapter E to read as follows:

"Section 5.06. DISPOSAL SYSTEM RULES. (a) Every local government which owns or operates a disposal system is empowered to and shall, except as authorized in Subsection (c) of this section, enact and enforce rules, regulations, ordinances, orders, or resolutions (hereafter in this section referred to as rules) to control and regulate the type, character and quality of waste which may be discharged to the disposal system and, where necessary, to require pretreatment of waste to be discharged to the system, so as to protect the health and safety of personnel maintaining and operating the disposal system and to prevent unreasonable adverse effects on the disposal system.

"(b) The local government in its rules shall establish the charges and assessments which may be made to and collected from all persons who discharge waste to the disposal system or who have conduits or other facilities for discharging waste connected to the disposal system (hereafter in this subsection referred to as 'users'). The charges and assessments shall be equitable as between all users and shall correspond as near as can be practically determined to the cost of making the waste disposal services available to all users and of treating the waste of each user or class of users. The charges and assessments may include user charges, connection fees, or any other methods of obtaining revenue from the disposal system available to the local government. In establishing the charges and assessments, the local government shall take into account.

"(1) the volume, type, character, and quality of the waste of each user or class of users;

"(2) the techniques of treatment required;

"(3) any capital costs and debt retirement expenses of the disposal system required to be paid for from the charges and assessments;

"(4) the costs of operating and maintaining the system to comply with this Act and the permits, rules and orders of the board; and

"(5) any other costs directly attributable to providing the waste disposal service under standard, accepted cost-accounting practices.

"(c) A local government may apply to the board for an exception from the requirements of Subsections (a) and (b) of this section or for a modification of those requirements. The application shall contain the exception or modifications desired, the reasons the exception or modifications are needed, and the grounds authorized in this subsection on which the board should grant the application. A public hearing on the application shall be held in or near the territorial area of the local government and notice of the hearing shall be given to the local government. If after the hearing the board in its judgment determines that the volume, type, character, and quality of the waste of the users of the system, or of a particular user or class of users of the system, do not warrant the enactment and enforcement of rules containing the requirements prescribed in Subsection (a) and (b) of this section, or that the enactment and enforcement of the rules would be impractical or unreasonably burdensome on the local government in relation to the public benefit to be derived, then the board in its discretion may enter an order granting an exception to those requirements or modifying those requirements in any particular in response to circumstances shown to exist.

"(d) At any time and from time to time, as circumstances may require, the board may amend or revoke any order it enters pursuant to Subsection (c) of this section. Before the board amends or revokes such an order, a public hearing shall be held in or near the territorial area of the local government in question, and notice of the hearing shall be given to the local government. If after the hearing the board in its judgment determines that

the circumstances on which it based the order have changed significantly or no longer exist, the board may revoke the order or amend it in any particular in response to the circumstances then shown to exist.

"(e) In the event of any conflict between the provisions of this section and any other laws or parts of laws, the provisions of this section shall control."

Sec. 5. The Texas Water Quality Act, as amended (codified as Article 7621d-1, Vernon's Texas Civil Statutes), is amended by adding a new Section 5.07 to Subchapter E of the Act, to read as follows:

"Section 5.07. WATER POLLUTION CONTROL DUTIES OF CITIES.

"(a) Every city in this State having a population of 5,000 or more inhabitants shall, and any city of this State may, establish a water pollution control and abatement program for the city. The city shall employ or retain an adequate number of personnel, on either a part-time or full-time basis as the needs and circumstances of the city may require, who by virtue of their training or experience are qualified to perform the water pollution control and abatement functions required to enable the city to carry out its duties and responsibilities under this section.

"(b) The water pollution control and abatement program of a city shall encompass the entire city and may include areas within its extraterritorial jurisdiction which in the judgment of the city should be included to enable the city to achieve the objectives of the city for the area within its territorial jurisdiction. The city shall include in the program the services and functions which, in the judgment of the city or as may be reasonably required by the board, will provide effective water pollution control and abatement for the city, including the following services and functions:

"(1) the development and maintenance of an inventory of all significant waste discharges into or adjacent to the water within the city and, where the city so elects, within the extraterritorial jurisdiction of the city, without regard to whether or not the discharges are authorized by the board;

"(2) the regular monitoring of all significant waste discharges included in the inventory prepared pursuant to Paragraph (1), above;

"(3) the collecting of samples and the conducting of periodic inspections and tests of the waste discharges being monitored to determine whether the discharges are being conducted in compliance with this Act and any applicable permits, orders or regulations of the board, and whether they should be covered by a permit from the board;

"(4) in cooperation with the board, a procedure for obtaining compliance by the waste dischargers being monitored, including where necessary the use of legal enforcement proceedings; and

"(5) the development and execution of reasonable and realistic plans for controlling and abating pollution or potential pollution resulting from generalized discharges of waste which are not traceable to a specific source, such as storm sewer discharges and urban run-off from rain water."

Sec. 6. Severability Clause. The provisions of this Act are severable. If any word, phrase, clause, sentence, section, provision or part of this Act should be held to be invalid or unconstitutional, it shall not affect the validity of the remaining portions, and it is hereby declared to be the legislative intent that this Act would have been passed as to the remaining portions, regardless of the invalidity of any part.

Sec. 7. Emergency Clause. The importance to the public of the amendments in this Act creates an emergency and imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended; and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Amendment No. 2

Amend Senate Bill No. 835, House First Printing, by striking all above the enacting clause and substituting the following:

A BILL TO BE ENTITLED

An Act relating to the development of water quality management plans

for the state and for designated areas of the state; authorizing the regulation of the disposal of sewage which is disposed of by methods other than by means of disposal systems operated under a permit issued by the Texas Water Quality Board; relating to discharge of waste disposal systems owned or operated by local governments and providing that section controls over other laws; relating to the delegation of functions and powers by the Texas Water Quality Board to local governments; relating to water pollution control and abatement programs by certain cities; amending Sections 3.22, 3.26, 3.27, and 5.05 of and adding Section 5.06 and 5.07 to the Texas Water Quality Act, as amended (Article 7621d-1, Vernon's Texas Civil Statutes); providing for severability; and declaring an emergency.

The House amendments were read.

Senator Herring moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President Pro Tempore asked if there were any motions to instruct the Conference Committee on S. B. No. 835 before appointment.

There were no motions offered.

Accordingly, the President Pro Tempore announced the appointment by the President of the following conferees on the part of the Senate on the bill: Senators Herring, Blanchard, Brooks, Creighton and Watson.

House Bill 1379 Ordered Not Printed

On motion of Senator Bates and by unanimous consent, H. B. No. 1379 was ordered not printed.

House Bill 1672 Ordered Not Printed

On motion of Senator Bates and by unanimous consent, H. B. No. 1672 was ordered not printed.

House Bill 227 Ordered Not Printed

On motion of Senator Bates and by unanimous consent, H. B. No. 227 was ordered not printed.

House Bill 683 on Second Reading

On motion of Senator Blanchard and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 683, A bill to be entitled "An Act relating to continuation of coverage under accident and sickness insurance for mentally retarded or physically handicapped children; etc.; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 683 on Third Reading

Senator Blanchard moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 683 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

House Bill 1855 Ordered Not Printed

On motion of Senator Moore and by unanimous consent, H. B. No. 1855 was ordered not printed.

House Bill 1827 Ordered Not Printed

On motion of Senator Moore and by unanimous consent, H. B. No. 1827 was ordered not printed.

House Bill 1460 Ordered Not Printed

On motion of Senator Creighton and by unanimous consent, H. B. No. 1460 was ordered not printed.

House Bill 211 Ordered Not Printed

On motion of Senator Bates and by unanimous consent, H. B. No. 211 was ordered not printed.

House Bill 1039 Ordered Not Printed

On motion of Senator Blanchard and by unanimous consent, H. B. No. 1039 was ordered not printed.

House Bill 1456 Ordered Not Printed

On motion of Senator Blanchard and by unanimous consent, H. B. No. 1456 was ordered not printed.

Senate Bill 872 Ordered Not Printed

On motion of Senator Hightower and by unanimous consent, S. B. No. 872 was ordered not printed.

Senate Bill 531 With House Amendments

Senator Herring called S. B. No. 531 from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and the following House amendments before the Senate:

Amendment No. 1

Amend S. B. 531 by striking all below the enacting clause and substituting therefor the following:

Section 1. Section 1, Chapter 352, Acts of the 50th Legislature, Regular Session, 1947, as amended (Article 6228a, Vernon's Civil Statutes of Texas), is amended by adding Subsection "I" so as to read as follows:

I. "Occupational" death or "Occupational" disability shall mean death or disability from an injury or disease resulting directly from a specific act or occurrence determinable by a definite time and a definite place and as arising out of and in the course of State employment as the direct result of an inherent risk or hazard peculiar to the duties required in such State employment.

Section 2. Subsection C, Section 3, Chapter 352, Acts of the 50th Legis-

lature, Regular Session, 1947, as amended (Article 6228a, Vernon's Civil Statutes of Texas), is amended to read as follows:

C. Any person who becomes an appointive officer or employee on or after the effective date of this Act shall become a member of the Retirement System on the first day of the month in which he is employed as a condition of his employment. Contributions by such a member under this Act shall begin with the first monthly payroll period following the month in which he is employed and creditable service shall then begin to accrue. Any person elected or appointed to an elective office shall become a member of the Retirement System in the same month in which he takes the oath of office as a requirement for filling such elective position, if he elects to become a member of the Retirement System.

Upon verification by the Employees Retirement System, any contributing member of this System may claim and receive credit as an elective or appointive officer or employee for service not previously creditable because of a waiting period required prior to September 1, 1958. Applicable contributions and State matching shall be required for any such service.

Members who fail to establish credit for such service within 12 months after the effective date of this Act or thereafter within 12 months after first becoming eligible to claim such service, shall be deemed to have waived such service. Payment thereafter shall be subject to the applicable penalty interest provision of this Act.

Section 3. Subsection A, Section 4, Chapter 352, Acts of the 50th Legislature, Regular Session, 1947, as amended (Article 6228a, Vernon's Civil Statutes of Texas), is amended to read as follows:

Sec. 4. A. Creditable service shall be the total of prior service plus membership service. For appointive officers and employees of the State, prior service shall be granted for eligible service rendered prior to the establishment of the Retirement System on September 1, 1947, and membership service shall be granted for eligible service rendered on and after September 1, 1947. Service as an elected State official as defined in

this Act may be claimed as creditable service as an appointed officer or employee.

Each appointive officer or employee, as defined in Section 3 of this Act, who becomes a member and contributes as such for a period of twenty-four (24) months, shall file a detailed statement of all Texas service for which he claims credit.

Section 4. Subsection F, Section 4, Chapter 352, Acts of the 50th Legislature, Regular Session, 1947, as amended (Article 6228a, Vernon's Civil Statutes of Texas), is amended to read as follows:

F. Each appointed officer or employee, as defined in this Act, who who has heretofore withdrawn his contributions and cancelled his accumulated creditable service for retirement purposes, may, if he returns to State employment and continues as such for a period of twenty-four (24) months, or if an elective State official, upon taking the oath of office, be entitled to deposit in the Retirement System in a lump sum payment the amount withdrawn with a penalty interest of five per cent (5%) per annum from the date of withdrawal to the date of redeposit, plus any membership fees due, and have his creditable service reinstated for retirement purposes; however, it is provided that the amount withdrawn by the person and deposited with the System shall be placed in his individual account in the Employees Saving Fund and the five per cent (5%) per annum penalty interest shall be placed in the State Accumulation Fund. The amounts to be deposited shall be determined in each case by the Employees Retirement System and in no event shall any such person be granted retirement upon such former service credits until the amount so determined shall have been paid in full.

Each appointed officer or employee as defined in this Act, and who heretofore executed a waiver of membership in the Retirement System may, if he has been employed from the date he executed the waiver of membership, or in the event such person left employment and returns to State employment and continues as such for a period of twenty-four (24) months, or if an elective State official, upon taking the oath of office, shall have

the privilege of electing to receive credit for all previous creditable State service provided such person shall deposit with the Employees Retirement System in a lump sum all back deposits, assessments and dues which he would have paid or deposited had he been a member of the System during each of the years and months employed commencing with the State fiscal year September 1, 1947, if an appointive officer or employee, and January 1, 1963, if an elective State official, together with penalty interest on the date each amount was payable at the rate of five per cent (5%) per annum, and provided further that the back deposits required shall be placed in his individual account in the Employees Savings Fund, and the penalty interest of five per cent (5%) per annum shall be placed in the State Accumulation Fund. The amounts to be deposited shall be determined in each case by the Employees Retirement System and in no event shall any such person be granted retirement upon such former service credits until the amounts so determined shall have been paid in full, and provided further that the total of all such back deposits shall be matched by an equal sum by the State of Texas in the manner and from the funds as now provided in the State Employees Retirement Act.

Section 5, Chapter 352, Acts of the 50th Legislature, Regular Session, 1947, as amended (Article 6228a, Vernon's Civil Statutes of Texas), is amended to add Section 5-1 to read as follows:

Section 5-1. Notwithstanding any other provisions of this Act, annuities computed in accordance with Section 5 of the State Employees Retirement Act with respect to appointive officers and employees, shall, on and after September 1, 1971, be increased as follows:

All such annuities payable to appointive officers and employees retiring after September 1, 1969, shall be increased by four per cent (4%). All such annuities payable to appointive officers and employees who retired prior to September 1, 1969, shall be increased by the following percentage rates:

EFFECTIVE DATE OF RETIREMENT	RATE OF INCREASE
September, 1968, through August, 1969	6%
September, 1967, through August, 1968	8%
September, 1966, through August, 1967	10%
September, 1965, through August, 1966	12%
September, 1964, through August, 1965	14%
September, 1963, through August, 1964	16%
September, 1962, through August, 1963	18%
Prior to September, 1962	20%

It is provided, however, that if the maximum service retirement annuity calculated under the provisions of Section 5 of the State Employees Retirement Act is less than \$60.00 per month, it shall be adjusted to whichever is the greater of (a) \$60.00 per month, or (b) the amount derived by the percentage increase adjustment herein provided.

It is further provided that if the disability retirement annuity calculated under the provisions of Section 5 of the State Employees Retirement Act is less than \$90.00 per month, it shall be adjusted to whichever is the greater of (a) \$90.00 per month, or (b) the amount derived by the percentage increase adjustment herein provided.

Any death benefit plan selected by a member with 20 or more years of creditable service shall remain in effect during such time as such member may be receiving disability retirement benefits; and upon his death while receiving such benefits, his designated beneficiary shall receive monthly annuities in accordance with the plan selected.

Section 6, Subsection D, Section 5, Chapter 352, Acts of the 50th Legislature, Regular Session, 1947, as amended (Article 6228a, Vernon's Civil Statutes of Texas), is amended to read as follows:

D. Service Retirement Benefits for Elective State Officials.

1. Any member may retire upon written application to the State Board of Trustees, setting forth at what time, not less than thirty (30) days

nor more than ninety (90) days subsequent to the execution of and filing thereof, he desires to be retired, provided that retirement will be effective only as of the last day of the calendar month, and provided that the said member at the time so specified for his retirement shall have attained the age of sixty (60) years and shall have completed eight (8) or more years of creditable service, provided however any member who has completed at least twelve (12) years of creditable service shall be entitled to a service retirement provided such member has attained the age of fifty-five (55).

The Maximum Service Retirement allowance shall be computed at the rate of six (6%) per cent per year of the monthly salary paid to duly elected members of the Legislature of the State of Texas on date of retirement and as such monthly salary may be adjusted from time to time thereafter. The Maximum Service Retirement allowance so computed shall not exceed sixty (60%) per cent of such salary or nine hundred dollars (\$900) whichever is the greater of the two.

It is expressly provided that any annuity or allowance payable under the provisions of this Act shall begin with the last day of the month following the effective date of retirement and shall be paid in monthly installments and shall cease with the last day of the month preceding the month in which the beneficiary or person dies who is receiving such an annuity or allowance as provided in this Act.

It is further provided that the Rate of Benefits scheduled as provided for by this Act shall be applied to all service retirement annuities payable on the effective date of this Act and previously awarded under the laws governing the Employees Retirement System as effective September 1, 1963, or as amended thereafter.

2. Any member who has accumulated a minimum of eight (8) years of creditable service as provided herein and who does not withdraw his account from the Retirement System prior to the attainment of age sixty (60) shall remain an active member and shall be entitled to a service retirement allowance upon attaining age sixty (60).

It is further provided that upon the death of any member, with not

less than eight (8) years of creditable service under the provisions of this Act, one-half ($\frac{1}{2}$) of the total service retirement allowance provided herein to which such member is entitled or would have been entitled at age sixty (60), or at the time of his death, whichever is later, shall be paid to the surviving spouse at the time of the death of such member, provided, however, that this provision shall not be applicable in the event the member was eligible to select or had selected a Death Benefit Plan for a monthly annuity to be effective in the event of death prior to retirement as provided herein. Occupational Death Benefit provisions of this Act shall also be applicable to Elective State Officials.

Prior to retirement any contributing member with ten (10) or more years creditable service, and any non-contributing member with twelve (12) or more years creditable service, may select a Death Benefit Plan and designate a nominee to receive a reduced monthly annuity either for life, or for a ten (10) year guaranteed period, to become effective and payable, in lieu of the refund of the member's contribution, to such nominee beginning the month following the death of such member. If the qualified member dies without having made such Death Benefit Plan selection, the surviving spouse may choose the plan in the same manner as if the member had completed the selection and, further provided, that only the surviving spouse may make such a selection and if there is no surviving spouse, then the selection may be made only by the guardian of the dependent minor children and if there be no dependent minor children then the provisions of paragraph 2, Subsection E of Section 5, pertaining to death benefits shall apply upon death of the member. Application for such plan shall be on forms prescribed by the State Board of Trustees. The reduced benefits shall be computed in the same manner as for a member's service retirement as provided elsewhere in this Act. The ages of the member and the nominee at the date of the member's death shall be used in determining the reduced annuity. The plan selected shall remain in effect until amended or superseded by the member's retirement selection.

3. It is provided herein that for service retirement Elective State Officials shall be eligible to select any of the optional allowance plans as provided for appointive officers and employee members, as set forth in Section 5, Subsection B, Paragraph 3, of this Act.

4. Disability Retirement Benefits for Elective State Officials.

Upon the application of a member or his employer or his legal representative acting in his behalf, any member under age sixty (60), who has eight (8) or more years of creditable service, or if Occupational Disability regardless of age or length of service, may be retired by the State Board of Trustees, not less than thirty (30) and not more than ninety (90) days next following the date of filing such application, provided the Medical Board, after a medical examination of such member, shall certify that such member is mentally or physically incapacitated for the further performance of duty, that such incapacity is likely to be permanent, and that such member should be retired.

The benefit to be paid by the Retirement System shall be the same as that set forth for service retirement without reduction for reason of age, provided, however, that no optional plan may be selected, and further provided that should the disabled retired member die before the full amount of contributions standing to his credit shall have been paid, then the remainder of his account shall be paid to the beneficiary of such disabled retired member. It is provided herein that additional provisions after disability retirement applicable for appointive officers and employee members as set forth in Section 5, Subsection C, Paragraphs 4, 5, and 6, will be applicable also to disability retirement for Elective State Officials. Occupational Disability Benefits shall be based on the member's actual creditable service or eight (8) years, whichever is greater.

Section 7. Paragraph 5 of Subsection E of Section 5, Chapter 352, Acts of the 50th Legislature, Regular Session, 1947, as amended (Article 6228a, Vernon's Civil Statutes of Texas), is amended to read as follows:

5. It is provided that any member who has completed twenty (20) years

of creditable state service in Texas, may by written designation in such form as the Board of Trustees may prescribe, select a nominee and an optional allowance for retirement as set forth under the preceding Section 5, Subsection B, Paragraph 3, providing for optional allowances for service retirement, and which selection shall become effective and payable to such nominee beginning with the month following the month in which the member died, provided, however, if such a member having completed twenty (20) years of state service in Texas failed to make a selection in the event of his death then a surviving spouse may choose the option plan in the same manner as if the member had completed the selection and, further provided, that only the surviving spouse may make such a selection and if there is no surviving spouse, then the selection may be made only by the guardian of the dependent minor children and if there be no dependent minor children, then the provisions of the preceding Subsection E, Paragraph 2, pertaining to death benefits shall apply upon death of the member.

Section 8. Paragraph 6 of Subsection E of Section 5, Chapter 352, Acts of the 50th Legislature, Regular Session, 1947, as amended (Article 6228a, Vernon's Civil Statutes of Texas), is repealed, it being specifically understood that the repeal of this section shall not in any way affect benefits heretofore established and to be paid after the effective date of this Act.

Section 9. Subsection A of Section 8 through Paragraph (a) of Subdivision 1, Chapter 352, Acts of the 50th Legislature, Regular Session, 1947, as amended (Article 6228a, Vernon's Civil Statutes of Texas), is amended to read as follows:

METHOD OF FINANCING

Sec. 8. A. Effective September 1, 1971, the amount contributed by each member to the Retirement System shall be six per cent (6%) of the annual compensation paid to each member. The amount contributed by the State of Texas to the Retirement System shall not exceed during any one (1) year six per cent (6%) of compensation to all members provided the total amount contributed by the State during any one (1) year shall at least equal the total amount

contributed during the same year by all members of the Retirement System; provided further that all contributions made by the State shall be from and charged to the respective funds appropriated, allocated, and provided to pay the salary or compensation of the members for whose benefit the contribution is made. All of the assets of the Retirement System shall be credited according to the purpose for which they are held to one (1) of five (5) funds, namely, the Employees Saving Fund, the State Accumulation Fund, the Retirement Annuity Reserve Fund, the Interest Fund, and the Expense Fund.

1. The Employees Saving Fund.

The Employees Saving Fund shall be a fund in which shall be accumulated six per cent (6%) contributions from the compensation of members, including interest earnings. Contributions to and payments from the Employees Saving Fund shall be made as follows:

(a) Beginning on the effective date of this Act, each department of the State shall cause to be deducted from the salary of each member on each and every payroll period, six per cent (6%) of his earnable compensation. In determining the amount earnable by a member in a payroll period, the State Board of Trustees may consider the rate of annual compensation payable to such member on the first day of the payroll period as continuing throughout such payroll period, and it may omit deductions from compensation for any period less than one-half ($\frac{1}{2}$) of a full payroll period if an employee was not a member on the first day of the payroll period, and to facilitate the making of deductions, it may modify the deductions required of any member by such an amount as shall not exceed one-tenth ($\frac{1}{10}$) of one per cent (1%) of the annual compensation upon the basis of which such deduction is to be made.

Section 10. Subdivision 2, of Subsection B, Section 8, Chapter 352, Acts of the 50th Legislature, Regular Session, 1947, as amended (Article 6228a, Vernon's Civil Statutes of Texas), is amended to read as follows:

2. The collection of the State's contributions shall be made as follows:

(a) From and after the effective date of this Act, there is hereby al-

located and appropriated to the Employees Retirement System of Texas, in accordance with this Act, from the several funds from which the members benefited by this Act, receive their respective salaries, a sum equal to six per cent (6%) of the total compensation paid to the said respective members of said Retirement System and whose compensation is paid from funds directly controlled by the State.

(b) Thereafter, on or before the first day of November next preceding each Regular Session of the Legislature, the State Board of Trustees shall certify to the Legislative Budget Board and Budget Division of the Governor's Office for review the amount necessary to pay the contributions of the State of Texas to the Employees Retirement System for the ensuing biennium. This amount shall equal six per cent (6%) of the total compensation paid members of the Retirement System and shall be included in the budget of the State which the Governor submits to the Legislature. The State Board of Trustees shall certify on or before August 31st of each year to the State Comptroller of Public Accounts and the State Treasurer the estimated amount of contributions to be received from members during the ensuing year.

(c) All moneys hereby allocated and appropriated by the State to the Employees Retirement System shall be paid to the Employees Retirement System in equal monthly installments based upon the annual estimate by the State Board of Trustees of the Employees Retirement System of the contributions to be received from the members of said System during said year, provided further in the event said estimate of the contributions of the members of the System shall vary from the actual amount of the members' contributions during the year, then such adjustment shall be made at the close of each fiscal year as may be required. Each of said monthly installments shall be paid into the State Accumulation Fund in the amount certified by the State Board of Trustees.

Section 11. Section 9, Chapter 352, Acts of the 50th Legislature, Regular Session, 1947, as amended (Article 6228a, Vernon's Civil Statutes of Texas), is amended by adding Subsection B, to read as follows:

B. The Board of Trustees shall adopt Rules and Regulations, to be effective no later than January 1, 1972, providing for the payment of not less than one-half ($\frac{1}{2}$) the premium cost of Group Life and Health Coverage for all member retirees. Premium costs shall be paid from the funds of the agency or department from which the member retired, and shall be based on rates not to exceed rates charged members of the Group Insurance Plan of department or agency from which the member retired. The State of Texas shall pay each year in equal monthly installments into the State Accumulation Fund an amount required to pay insurance premiums of the retirees. The State Board of Trustees shall certify annually to the Comptroller of Public Accounts and to the State Treasurer the amount so ascertained.

Section 12. If any section, subsection or clause of this Act is, for any reason, held to be unconstitutional, such decision shall not affect the validity of any of the remaining portions of this Act, and it is hereby declared that this Act would nevertheless have been passed without such section, subsection or clause so declared unconstitutional.

Section 13. This Act shall become effective September 1, 1971.

Section 14. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the Rule is hereby suspended, and that this Act take effect and be in force from and after its passage and be it so enacted.

Amendment No. 2

Amend S. B. 531 by striking all above the enacting clause and substituting therefor the following:

A BILL TO BE ENTITLED

An Act amending Chapter 352, Acts of the 50th Legislature, Regular Session, 1947, as amended (Article 6228a, Vernon's Civil Statutes of Texas) by adding Subsection "I" to Section 1, defining the term "Occupational" death or disability; amending Subsection C, Section 3 providing for the establishment of

service covered by required waiting periods; amending Subsections A and F, Section 4 to provide conditions for the establishment of previous service after 24 months contributory service; adding Section 5-1 to provide for percentage increases in retirement annuities with a minimum annuity for service and disability retirements; authorizing continuance of death benefits plan for eligible disability annuitants; amending Subsection D of Section 5 to provide for member retirement and death benefits; amending Paragraph 5 of Subsection E of Section 5 to permit twenty (20) year Death Benefit Plan to remain effective after leaving state employment; repealing Paragraph 6 of Subsection E, Section 5; amending Subsection A of Section 8 through paragraph (a) of Subdivision 1, to require six (6) per cent contributions from the member and from the State; amending Subdivision 2, of Subsection B, Section 8 to change references to matching funds from "five (5) per cent" to "six (6) per cent;" adding Subsection B to Section 9 to provide for Board Rules and Regulations governing payment of Group Life and Health Benefits to retiree members; providing a saving clause; providing for an effective date; and declaring an emergency.

The House amendments were read.

Senator Herring moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—29

Aikin	Kennard
Bates	Kothmann
Beckworth	Mauzy
Bernal	McKool
Blanchard	Moore
Bridges	Patman
Brooks	Ratliff
Christie	Schwartz
Connally	Sherman
Creighton	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word
Jordan	

Nays—2

Grover	Hall
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Reports of Standing Committees

By unanimous consent, Senator Hall submitted the following reports for the Committee on County, District and Urban Affairs:

H. B. No. 1438.

H. B. No. 78.

H. B. No. 690.

H. B. No. 878.

H. B. No. 1850.

H. B. No. 439.

H. B. No. 892.

H. B. No. 893.

H. B. No. 1606.

H. B. No. 1605.

By unanimous consent, Senator Kennard submitted the following report for the Committee on Public Health:

H. B. No. 799.

By unanimous consent, Senator Mauzy submitted the following report for the Committee on Education:

H. B. No. 949.

Message From the House

Hall of the House of Representatives

Austin, Texas,
May 21, 1971

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 32, A bill to be entitled "An Act amending Chapter 435, Acts of the 52nd Legislature, 1951 (Article 1723, Vernon's Texas Penal Code), by adding a new Section 9A providing that any person selling any explosive, inflammable, or combustible substance classified as a bomb in Chapter 453 shall require the purchaser to identify himself and shall keep records of the sales for a period of two years; providing a penalty for violation of the provisions of Section 9A; and declaring an emergency."

S. B. No. 39, A bill to be entitled "An Act permitting the use of certain seines to catch limited amounts of

shrimp for personal use on the Gulf beach of Jefferson, Galveston, Chambers, and Brazoria counties; and declaring an emergency."

(With amendment.)

S. B. No. 76, A bill to be entitled "An Act relating to the dumping or otherwise disposing of trash, junk, garbage, refuse, unsightly matter, and other solid waste on highways, rights-of-way, public and private property, or into any inland or coastal waters of Texas; providing a penalty; and declaring an emergency."

S. B. No. 87, A bill to be entitled "An Act amending Article 1994 of the Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

(With amendment.)

S. B. No. 130, A bill to be entitled "An Act relating to branch offices for absentee voting by personal appearance in counties having a population of more than 1,500,000; etc.; and declaring an emergency."

S. B. No. 133, A bill to be entitled "An Act repealing Article 1929, Revised Civil Statutes of Texas, 1925, relating to the absence from office of a county judge; and declaring an emergency."

S. B. No. 172, A bill to be entitled "An Act to prohibit the traffic of endangered species; prescribing a penalty for violation; and declaring an emergency."

(With amendment.)

S. B. No. 216, A bill to be entitled "An Act amending Statutes, by adding Subsection H to Section 4 allowing eligible members of the Employees Retirement System to claim service as a Criminal District Attorney, County Attorney performing the duties of a District Attorney, or as a member of certain Statewide Boards or Commissions as creditable service under the Employees Retirement System of Texas on making certain payments into the System; and declaring an emergency."

(With amendment.)

S. B. No. 236, A bill to be entitled "An Act eliminating the qualification that cities, towns, and villages with authority to enforce land use restric-

tions contained in subdivision dedications must be situated in a county having a population of more than 1,000,000 and extending the authority to any city, town, or village having a population of more than 10,000; etc.; and declaring an emergency."

(With amendment.)

S. B. No. 237, A bill to be entitled "An Act relating to the additional compensation for members of the juvenile board in Austin County; etc.; and declaring an emergency."

(With amendment.)

S. B. No. 252, A bill to be entitled "An Act relating to the salary of the official shorthand reporter for the 43rd Judicial District of Texas; and declaring an emergency."

(With amendment.)

S. B. No. 261, A bill to be entitled "An Act amending employers' liability and workmen's compensation laws of the state; etc.; and declaring an emergency."

(With amendment.)

S. B. No. 281, A bill to be entitled "An Act amending Statutes, known as the Texas Tort Claim Act, relating to making remedies against units of government exclusive in certain cases; and declaring an emergency."

(With amendment.)

S. B. No. 302, A bill to be entitled "An Act authorizing the Texas Parks and Wildlife Commission to locate and designate outstanding national features or formations with markers or monuments; etc.; and declaring an emergency."

S. B. No. 410, A bill to be entitled "An Act relating to certain counties in which there are three or more courts having any of the jurisdictions conferred upon district courts; etc.; and declaring an emergency."

S. B. No. 448, A bill to be entitled "An Act relating to the salary and office budget of ex officio county school superintendents in certain counties; etc.; and declaring an emergency."

S. B. No. 492, A bill to be entitled "An Act authorizing the Board of Directors of The Texas A&M University System to acquire by purchase

in the name of the State of Texas, for the use and benefit of the Texas Forest Service, and to improve the same, a sufficient quantity of land suitable for the expansion of the Indian Mound Nursery in Rusk County for the operation thereon of a forest tree nursery and for the production of other forest products; etc.; and declaring an emergency."

S. B. No. 588, A bill to be entitled "An Act authorizing the Parks and Wildlife Commission to promulgate rules governing health, safety and protection of persons and property within State parks, historic sites, scientific areas and forts; etc.; and declaring an emergency."

S. B. No. 592, A bill to be entitled "An Act amending Article 2372f-7, Revised Civil Statutes of Texas relating to automobiles for each commissioner in counties of 60,000 to 60,400; and declaring an emergency."

S. B. No. 634, A bill to be entitled "An Act providing for a cost-of-living adjustment of firemen's pension allowances and firemen's beneficiaries allowances in certain cities; etc.; and declaring an emergency."

S. B. No. 671, A bill to be entitled "An Act relating to the selection of persons for jury service in certain counties; etc.; and declaring an emergency."

S. B. No. 694, A bill to be entitled "An Act relating to automobile allowances and expenses for the district clerk; and declaring an emergency."

(With amendment.)

S. B. No. 514, A bill to be entitled "An Act relating to licenses, categories, activities, fees and insurance requirements for certain persons and dealers of liquefied petroleum gas; etc.; and declaring an emergency."

S. B. No. 706, A bill to be entitled "An Act relating to the open season for quail in Collingsworth County; etc.; and declaring an emergency."

S. B. No. 727, A bill to be entitled "An Act adding Parks and Wildlife Department vehicles to those of State Agencies exempt from inscription requirements; etc.; and declaring an emergency."

S. B. No. 786, A bill to be entitled "An Act authorizing the Board of Control to take bids on contracts to remove rough fish from public fresh waters as requested by the Parks and Wildlife Department; etc.; and declaring an emergency."

S. B. No. 792, A bill to be entitled "An Act amending Statutes, providing for the receiving, safe-keeping and disbursing of all monies belonging to the county by the county treasurer; etc.; and declaring an emergency."

S. B. No. 862, A bill to be entitled "An Act amending Statutes, granting to the City of Corpus Christi additional time in which to make improvements on certain submerged and unsubmerged land in the 'Cayo del Oso,' etc.; and declaring an emergency."

S. B. No. 902, A bill to be entitled "An Act amending Statutes relating to changes in certain definitions and scope of inspectional activities; authorizing the Commissioner to refuse to register or cancel wholesale drug business registration for violations of the Texas Uniform Narcotic Act and the Texas Dangerous Drug Act; etc.; and declaring an emergency."

(With amendment.)

S. B. No. 911, A bill to be entitled "An Act amending Statutes, relating to hotel room occupancy tax; etc.; and declaring an emergency."

(With amendment.)

S. B. No. 921, A bill to be entitled "An Act amending the Texas Insurance Code; declaring that said S. B. 31 does not apply to farm mutual insurance companies; etc.; and declaring an emergency."

S. B. No. 927, A bill to be entitled "An Act relating to the composition of the Board of Trustees of the Firemen, Policemen and Fire Alarm Operators Pension Fund in certain cities, etc.; and declaring an emergency."

S. B. No. 948, A bill to be entitled "An Act amending Statutes, relating to compensation of the official shorthand reporter for the 27th Judicial District; providing for severability; and declaring an emergency."

(With amendment.)

S. B. No. 971, A bill to be entitled "An Act relating to the authority of the State Board of Health to modify or delete immunization requirements for admission to school; etc.; and declaring an emergency."

S. B. No. 977, A bill to be entitled "An Act relating to immunization data on individuals; etc.; and declaring an emergency."

S. B. No. 978, A bill to be entitled "An Act prohibiting the use of data obtained by persons conducting immunization surveys under the auspices of the State Department of Health in any suit against a physician involving an injury relating to the immunization of an individual; and declaring an emergency."

S. B. No. 984, A bill to be entitled "An Act amending Statutes to provide for the jurisdiction of the county court and the county courts at law of Travis County and the salaries of the judges of the county courts at law; and declaring an emergency."

(With amendment.)

S. B. No. 437, A bill to be entitled "An Act relating to textbooks for children enrolled in kindergarten classes in the public schools of the state; etc.; and declaring an emergency."

S. B. No. 574, A bill to be entitled "An Act relating to the creation of the Governor's Commission on Physical Fitness and its powers and duties; and declaring an emergency."

S. C. R. No. 111, Recalling House Bill 1622 for further consideration by the Senate.

Pursuant to S. C. R. 111, H. B. No. 1622 is herewith returned.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

House Bill 1715 Ordered Not Printed

On motion of Senator Bridges and by unanimous consent, H. B. No. 1715 was ordered not printed.

Bills Signed

The President Pro Tempore announced the signing by the President in the presence of the Senate after the caption had been read, the following enrolled bills:

S. B. No. 324, Signed, subject to the provisions of Section 49a, Article III, of the Constitution of Texas.

S. B. No. 134.

S. B. No. 463.

S. B. No. 187.

S. B. No. 839.

S. B. No. 605.

S. B. No. 379.

S. B. No. 317.

Message From the House

Hall of the House of Representatives

Austin, Texas,
May 21, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 1154, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under and essential to the purposes of Article 16, Section 59 of the Constitution of Texas to be known as 'Montgomery County Utility District No. 2; etc.; and declaring an emergency.'"

H. B. No. 1188, A bill to be entitled "An Act relating to the mileage allowance of the county tax assessor and collector and his deputies in certain counties; amending Section 3, Chapter 207, Acts of the 41st Legislature, Regular Session, 1929, as amended (Article 3899b, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 1661, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Article 16, Section 59, Constitution of Texas, in Harris County, Texas, to be known as La Porte Utility District; etc.; and declaring an emergency."

H. B. No. 1689, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Article 16, Section 59, Constitution of Texas, in Harris County, Texas, to be known as Cypress-Klein Utility District of Harris County, Texas; etc.; and declaring an emergency."

H. B. No. 1699, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Article 16, Section 59, Constitution of Texas, in Harris County, Texas, to be known as Lake Forest Utility District; etc.; and declaring an emergency."

H. B. No. 1725, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'Roman Forest Public Utility District No. 2'; etc.; and declaring an emergency."

H. B. No. 1757, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Article 16, Section 59, Constitution of Texas, in Walker County, Texas, to be known as Windswept Utility District; etc.; and declaring an emergency."

H. B. No. 1856, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Article 16, Section 59, Constitution of Texas, in Brazoria County, Texas, to be known as Indian Springs Utility District; etc.; and declaring an emergency."

H. B. No. 1862, A bill to be entitled "An Act permitting refunds of moneys paid under certain mineral leases on public lands if the exploration, development, drilling, or production of minerals is prevented by governmental action; adding a Section 11a to Chapter 271, General Laws, Acts of the 42nd Legislature, Regular Session, 1931, as amended (Article 5421c, Vernon's Texas Civil Statutes); and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Bill 627 on Second Reading

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment, S. B. No. 627 with an amendment by Senator Harris pending.

Question—Shall the amendment by Senator Harris to S. B. No. 627 be adopted?

Pending discussion by Senator Harris of the amendment, Senator Pat-

man moved the Previous Question on the adoption of the amendment and the passage of the bill to engrossment, and the motion was duly seconded.

Question—Shall the Previous Question now be ordered?

(President in Chair.)

The Previous Question was ordered by the following vote:

Yeas—18

Aikin	Jordan
Beckworth	Kennard
Bernal	Kothmann
Bridges	Mauzy
Brooks	McKool
Connally	Patman
Hall	Wallace
Harrington	Watson
Hightower	Wilson

Nays—11

Bates	Moore
Blanchard	Ratliff
Creighton	Schwartz
Grover	Sherman
Harris	Snelson
Herring	

Absent

Christie Word

Pending discussion by Senator Harris of the amendment, Senator Hall occupied the Chair.

(President Pro Tempore in Chair.)

Question—Shall the amendment by Senator Harris to S. B. No. 627 be adopted?

Memorial Resolutions

S. R. No. 1321—By Senator Blanchard: Memorial resolution for Murray J. Howze.

S. R. No. 1322—By Senator Watson: Memorial resolution for Miss Marie Riddle.

S. R. No. 1323—By Senator Watson: Memorial resolution for David M. Norman.

S. R. No. 1324—By Senator Snelson: Memorial resolution for Paul Thomas Bailey, Jr.

S. R. No. 1325—By Senator Snelson: Memorial resolution for Edward J. Foley.

S. R. No. 1326—By Senator Snelson: Memorial resolution for Herd Lee Midkiff.

S. R. No. 1327—By Senator Snelson: Memorial resolution for W. L. Carr.

Welcome and Congratulatory Resolutions

H. C. R. No. 152—Commending the Echols family and the Citizens National Bank and Trust Company of Baytown for distinguished service to the State.

S. R. No. 1318—By Senators Christie and Herring: Extending congratulations to W. Price, Jr., recipient of Honorary Doctor of Laws degree by Northwood Institute on May 29, 1971.

S. R. No. 1319—By Senator Blanchard: Extending congratulations to Roy B. Davis for the significant contributions he has made in Home Economics Education and youth programs.

S. R. No. 1320—By Senator Blanchard: Extending congratulations to Ricky W. Alexander, named "Outstanding Citizen in the Youth Division" in Lubbock.

S. R. No. 1328—By Senator Schwartz: Extending welcome to students of Holy Rosary School and Sister Mary Adrian.

S. R. No. 1333—By Senator Aikin: Extending welcome to Judge and Mrs. Grover Sellers and Mr. and Mrs. J. C. Mason.

S. R. No. 1334—By Senator McKool: Extending commendation to group of students from Pearl C. Anderson Junior High School for their outstanding achievements.

S. R. No. 1335—By Senator McKool: Extending commendation to choir from Urban Park Baptist Church for their Christian concern for others.

S. R. No. 1336—By Senator McKool: Extending commendation to outstanding students from James Madison High School of Dallas.

S. R. No. 1337—By Senator Kennard: Extending welcome to Bob Schieffer, Pentagon correspondent for the Columbia Broadcasting System.

Recess

On motion of Senator Aikin the Senate at 4:15 o'clock p.m. took recess until 9:15 o'clock a.m. tomorrow.

APPENDIX**Sent to Governor**

May 21, 1971

S. B. No. 812.
S. B. No. 828.
S. B. No. 830.
S. B. No. 677.
S. B. No. 829.
S. B. No. 659.
S. B. No. 683.
S. B. No. 880.
S. B. No. 618.
S. B. No. 621.
S. B. No. 702.
S. B. No. 956.
S. B. No. 772.
S. B. No. 961.
S. B. No. 912.
S. B. No. 832.
S. B. No. 445.
S. B. No. 270.
S. B. No. 5.
S. B. No. 351.
S. B. No. 476.
S. B. No. 475.
S. B. No. 292.
S. B. No. 365.
S. B. No. 489.
S. B. No. 524.
S. B. No. 47.
S. B. No. 242.
S. B. No. 924.
S. B. No. 425.
S. B. No. 463.
S. B. No. 379.
S. B. No. 187.
S. B. No. 605.
S. B. No. 839.
S. B. No. 317.
S. B. No. 134.

Sent to Comptroller

S. B. No. 324.

SEVENTY-THIRD DAY

(Continued)

(Saturday, May 22, 1971)

After Recess

The Senate met at 9:15 o'clock a.m., and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

Message From the House

Hall of the House of Representatives

Austin, Texas,
May 22, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 6, A bill to be entitled "An Act relating to forbidding the operation of motor vehicles, trailers, semitrailers, and tractors upon public highways if they are not equipped with tires meeting certain requirements; specifying certain requirements; exempting certain farm vehicles; setting a penalty; delegating rule-making power to the Department of Public Safety; and declaring an emergency."

H. B. No. 158, A bill to be entitled "An Act amending Section 7, Chapter 283, Acts of the 40th Legislature, Regular Session, 1927, as amended